



City of Doncaster Council

Agenda

To all Members of the

PLANNING COMMITTEE

Notice is given that a Meeting of the above Committee is to be held as follows:

Venue: Council Chamber, Civic Office, Waterdale, Doncaster DN1 3BU

Date: Tuesday, 30th May, 2023

Time: 2.00 pm

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Damian Allen
Chief Executive

Issued on: Friday, 19th May, 2023

Governance Services Officer for this meeting

Amber Torrington
01302 737462

City of Doncaster Council
www.doncaster.gov.uk

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|-----------|---|----------|
| 1. | Apologies for Absence | |
| 2. | To consider the extent, if any, to which the public and press are to be excluded from the meeting. | |
| 3. | Declarations of Interest, if any. | |
| 4. | Minutes of the Extraordinary Planning Committee Meeting held on 31st March, 2023 | 1 - 4 |
| 5. | Minutes of the Planning Committee Meeting held on 4th April, 2023. | 5 - 14 |
| A. | Reports where the Public and Press may not be excluded. | |
| | <u>For Decision</u> | |
| 6. | Schedule of Applications | 15 - 180 |
| | <u>For Information</u> | |
| 7. | Appeal Decisions | 181-218 |
| 8. | Planning Enforcement Quarterly Report - March 2023. | 219-232 |
| 9. | The making of an immediate Article 4 Direction removing Permitted Development Rights related to the demolition of buildings at Doncaster Sheffield Airport. | 233-242 |

Members of the Planning Committee

Chair – Councillor Susan Durant
 Vice-Chair – Councillor Sue Farmer

Councillors Bob Anderson, Duncan Anderson, Iris Beech, Steve Cox, Aimee Dickson, Charlie Hogarth, Sophie Liu, Andy Pickering and Gary Stapleton

Agenda Item 4.

CITY OF DONCASTER COUNCIL

EXTRAORDINARY PLANNING COMMITTEE

FRIDAY, 31ST MARCH, 2023

An EXTRAORDINARY MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on FRIDAY, 31ST MARCH, 2023, at 10.00 am.

PRESENT:

Chair - Councillor Susan Durant
Vice-Chair - Councillor Duncan Anderson

Councillors Bob Anderson, Iris Beech, Steve Cox, Sue Farmer and Gary Stapleton

APOLOGIES:

Apologies for absence were received from Councillors Aimee Dickson, Charlie Hogarth, Sophie Liu and Andy Pickering

68 DECLARATIONS OF INTEREST, IF ANY.

In accordance with the Members' Code of Conduct, Councillor Steve Cox declared an interest in the Application (22/01810/4FULM) by virtue of been photographed with protesters to the development. He stated that he had read all the information presented and would listen to the proceedings and form an opinion following the debate.

69 SCHEDULE OF APPLICATIONS

RESOLVED that upon consideration of a Schedule of Planning and Other Applications received, together with the recommendations in respect thereof, the recommendations be approved in accordance with Schedule and marked Appendix 'A'.

70 ADJOURNMENT OF MEETING.

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 11.30 a.m. to be reconvened on this day at 11.35 a.m. It was agreed that this time be extended to 11.45 a.m.

71 RECONVENING OF MEETING

The meeting reconvened at 11.45 a.m.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 31st March, 2023

Application	1
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Application Number:	22/01710/4FULM
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Application Type:	Planning FUL (DMBC Reg 4) Major
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Proposal Description:	Erection of residential development and public open space with associated infrastructure, landscaping and drainage
At:	Land North of the Railway line Rose Hill Rise Rose Hill Doncaster DN4 5LE

For:	Mr Adam Pitman – Miller Homes Limited
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Third Party Reps:	120 Letters of objection and 1 petition	Parish:	None
		Ward:	Bessacarr

A proposal was made to grant Planning Permission subject to conditions and completion of a Section 106 agreement.

Proposed by: Councillor Sue Farmer

Seconded by: Councillor Susan Durant

For: 3 Against: 4 Abstain: 0

On being put to the meeting, the proposal to GRANT Planning Permission subject to conditions and completion of a section 106 agreement was declared LOST.

A proposal was made to refuse Planning Permission

Proposed by: Councillor Gary Stapleton

Seconded by: Councillor Steve Cox

For: 4 Against: 3 Abstain: 0

On being put to the meeting, the proposal to refuse Planning Permission was CARRIED

Decision: Planning permission refused contrary to officer recommendations for the following reasons:-

- 01. The application will result in traffic impacts both during the construction period and also post development arising from increased volumes of traffic on the A638 Bawtry Road and Rose Hill Rise. The application is therefore contrary to Doncaster Local Plan Policy 13 Part A)6 and NPPF paragraph 111.**
- 02. The application will result in the loss of a non-designated open space that provides an important social and ecological role. The application is therefore contrary to Doncaster Local Plan Policy 27 B) and paragraph 98 of the NPPF**
- 03. The application will result in the loss of biodiversity and adversely impact on wildlife including protected species and is thereby contrary to Doncaster Local Plan Policy 30 Part B) and paragraph 180 a) of the NPPF.**

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', the following individuals spoke on the application for the duration of up to 10 and 5 minutes:-

- Councillor Nick Allen, Laura Bluff and Majid Khan, Ward Members spoke in opposition to the Application (sharing 10 minutes);**
- Mr Chris Owen members of the public and behalf of residents spoke in opposition to the Application; and**
- Ms Emma Lancaster and Mr Andrew Naylor (Applicant/Agent) spoke in support of the Application (sharing 5 minutes)**

(The receipt of 9 additional letters of representation, a late letter of representation from Laura Fern on behalf of Rose Hill Residents Association, a late representation from Mr Chris Owen including documents on priority habitat and woodland, objection and slides (these were circulated to Committee members) and an updated consultation response provided by the Education Team requiring a smaller contribution sum of £446,094.00 were reported at the meeting).

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Agenda Item 5.

CITY OF DONCASTER COUNCIL

PLANNING COMMITTEE

TUESDAY, 4TH APRIL, 2023

A MEETING of the PLANNING COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on TUESDAY, 4TH APRIL, 2023, at 2.00 pm.

PRESENT:

Chair - Councillor Susan Durant
Vice-Chair - Councillor Duncan Anderson

Councillors Bob Anderson, Iris Beech, Steve Cox, Sue Farmer and Gary Stapleton.

APOLOGIES:

Apologies for absence were received from Councillors Aimee Dickson, Charlie Hogarth, Sophie Liu and Andy Pickering.

72 Declarations of Interest, if any

In accordance with the Members' Code of Conduct, Councillor Steve Cox, declared an interest in relation to Application No. 22/01711/FUL, Agenda Item No. 5(5), by virtue of being a Local Ward Member.

The Chair, Councillor Susan Durant, declared that she had been lobbied by local residents with regard to Application No. 22/00936/FUL, Agenda Item No. 5(2), but had not given her opinion thereon.

73 Minutes of the Planning Committee Meeting held on 7th March, 2023

RESOLVED that the minutes of the meeting held on 7th March, 2023 be approved as a correct record and signed by the Chair.

74 Schedule of Applications

RESOLVED that upon consideration of a Schedule of Planning and Other Applications received, together with the recommendations in respect thereof, the recommendations be approved in accordance with Schedule and marked Appendix 'A'.

75 Adjournment of Meeting

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 3.08 p.m. to be reconvened on this day at 3.15 p.m.

76 Reconvening of Meeting

The meeting reconvened at 3.15 p.m.

RESOLVED that the following decisions of the Secretary of State and/or his Inspector, in respect of the undermentioned Planning Appeals against the decisions of the Council, be noted:-

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
22/00467/FUL	Erection of single storey rear extension and two storey side and front extension at 35 Cromwell Drive, Sprotbrough, Doncaster, DN5 8DF	Appeal Dismissed 08/03/2023	Sprotbrough	Delegated	No
22/01599/ADV	Display of wall mounted internally illuminated 48-sheet D-Poster digital display with a height of 3 metres and a width of 6 metres. at 8 Town End, Bentley, Doncaster, DN5 9AG	Appeal Dismissed 21/02/2023	Bentley	Delegated	No
22/01326/FUL	Erection of 1.77m - 1.60m high boundary wall and 1.68m high gates (Retrospective) with alterations to lower sections of wall	Appeal Dismissed 21/02/2023	Finningley	Delegated	No

	to 0.90m to improve visibility (being resubmission of 21/03467/FUL, refused on 03/02/2022). at 49 Ravenswood Drive, Auckley, Doncaster, DN9 3PA				
22/00956/ADV	Display of a wall-mounted 48-sheet sized digital LED advertising unit at 47 Main Street, Mexborough, S64 9LU	Appeal Dismissed 21/03/2023	Mexborough	Delegated	No

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 4th April, 2023

Application	1		
Application Number:	22/01978/FULM		
Application Type:	Planning FULL Major		
Proposal Description:	Erection of a solar farm and battery energy storage system (BESS) and associated infrastructure.		
At:	Foredoles Farm House, Marsh Hill, Micklebring, Rotherham.		
For:	Rotherham Solar 1 Limited		
Third Party Reps:	15 representations, 14 objections, 1 in support	Parish:	Braithwell/Micklebring Parish Council
		Ward:	Tickhill & Wadworth

A proposal was made to grant the Application subject to Conditions and referral to the National Planning Casework Unit.

Proposed by: Councillor Gary Stapleton

Seconded by: Councillor Iris Beech

For: 7 **Against:** 0 **Abstain:** 0

Decision: Planning permission granted subject to Conditions and referral to the National Planning Casework Unit.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Owen Saward, the Agent, spoke in support of the Application for the duration of 5 minutes.

(Receipt of a further representation from Councillor Adam Tinsley was reported at the meeting).

Application	2
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Application Number:	22/00936/FUL
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Application Type:	Full Application
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Proposal Description:	Engineering Operation for creation of Access Track and Bio fertiliser Storage Lagoon.
At:	Red House Farm, Doncaster Road, High Melton, Doncaster.

For:	Mr M & T Woolhouse
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Third Party Reps:	118 objections	Parish:	High Melton Parish Council
		Ward:	Sprotbrough

A proposal was made to Defer the application for further information.

Proposed by: Councillor Susan Durant

Seconded by: Councillor Iris Beech

For: 7 Against: 0 Abstain: 0

Decision: Defer the application for the submission of further information in respect of:-

- **Clarity on the extent of the farm holding;**
- **Identifying on what parcels of land the digestate would be used on;**
- **Clarity in respect of the planning history; and**
- **To provide clarity in respect of the difference in odour between the existing bladder tank and the proposed development.**

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Parish Councillor Martin Pick from High Melton Parish Council, and Mr Ian Stuart, a local resident, spoke in opposition to the Application for the duration of up to 5 minutes each.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Ms Janet Hodson, the Agent, spoke in support of the Application for the duration of up to 5 minutes.

(The receipt of an additional Condition and the amendment to Condition 2, were reported at the meeting).

Application	3
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Application Number:	22/02088/FULM
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Application Type:	Full (major) Planning Application
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Proposal Description:	The installation of a 2.5MW solar PV array, 0.9MW green hydrogen plant and associated landscaping.
At:	Croft Farm, Askern Road, Carcroft, Doncaster, DN6 8DE.

For:	P H Maxwell
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Third Party Reps:	0 representations	Parish:	N/A
		Ward:	Adwick Le Street & Carcroft

A proposal was made to grant the Application subject to Conditions and referral to the National Planning Casework Unit.

Proposed by: Councillor Iris Beech

Seconded by: Councillor Bob Anderson

For: 7 Against: 0 Abstain: 0

Decision: Planning permission granted subject to Conditions and referral to the National Planning Casework Unit.

Application	4
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Application Number:	22/02316/FULM
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of a two storey houseblock.
At:	HMP Hatfield, Thorne Road, Hatfield, Doncaster.

For:	Lynette Emmanuel
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Third Party Reps:	1 neutral comment	Parish:	Hatfield Parish Council
		Ward:	Hatfield

A proposal was made to grant the Application subject to Conditions.

Proposed by: Councillor Bob Anderson

Seconded by: Councillor Sue Farmer

For: 7 Against: 0 Abstain: 0

Decision: Planning permission granted subject to Conditions.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Harry Greenhalgh, the Agent, spoke in support of the Application for the duration of up to 5 minutes.

Application	5
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Application Number:	22/01711/FUL
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Application Type:	Full Application
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Proposal Description:	Erection of 3 No. detached dwellings & formation of new vehicular access following demolition of existing dwelling (Amended Description).
At:	9 The Close, Branton, Doncaster, DN3 3LX.

For:	Mr Robert Simpson
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Third Party Reps:	13 Representations	Parish:	Cantley with Branton Parish Council
		Ward:	Finningley

A proposal was made to grant the Application subject to Conditions.

Proposed by: Councillor Garry Stapleton

Seconded by: Councillor Bob Anderson

For: 6 Against: 0 Abstain: 1

Decision: Planning permission granted subject to Conditions.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Mr Nigel Gill, Ms Jennifer Hemsworth, Mr Nick Sloan and Ms Tracey Steeples, local residents, spoke in opposition to the Application for the duration of up to 5 minutes.

(The receipt of an additional representation from the Applicant in response to the objections received to the Application, was reported at the meeting.)

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CITY OF DONCASTER COUNCIL

Date 30th May 2023

To the Chair and Members of the

PLANNING COMMITTEE

PLANNING APPLICATIONS PROCESSING SYSTEM

Purpose of the Report

1. A schedule of planning applications for consideration by Members is attached.
2. Each application comprises an individual report and recommendation to assist the determination process. Any pre-committee amendments will be detailed at the beginning of each item.

Human Rights Implications

Member should take account of and protect the rights of individuals affected when making decisions on planning applications. In general Members should consider:-

1. Whether the activity for which consent is sought interferes with any Convention rights.
2. Whether the interference pursues a legitimate aim, such as economic wellbeing or the rights of others to enjoy their property.
3. Whether restriction on one is proportionate to the benefit of the other.

Copyright Implications

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Scott Cardwell
Assistant Director of Economy and Development
Directorate of Regeneration and Environment

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

NOTE:- Site Visited applications are marked 'SV' and Major Proposals are marked 'M'
Any pre-committee amendments will be detailed at the beginning of each item.

Application	Application No	Ward	Parish
1.	22/00936/FUL	Sprotbrough	High Melton Parish Council
2. M	21/02115/FULM	Sprotbrough	Barnburgh Parish Council
3. M	22/02202/FULM	Rossington And Bawtry	Rossington Parish Council
4.	22/02194/FUL	Roman Ridge	
5.	22/01376/FUL	Hatfield	Hatfield Parish Council

Application	1.
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Application Number:	22/00936/FUL
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Application Type:	Full Application
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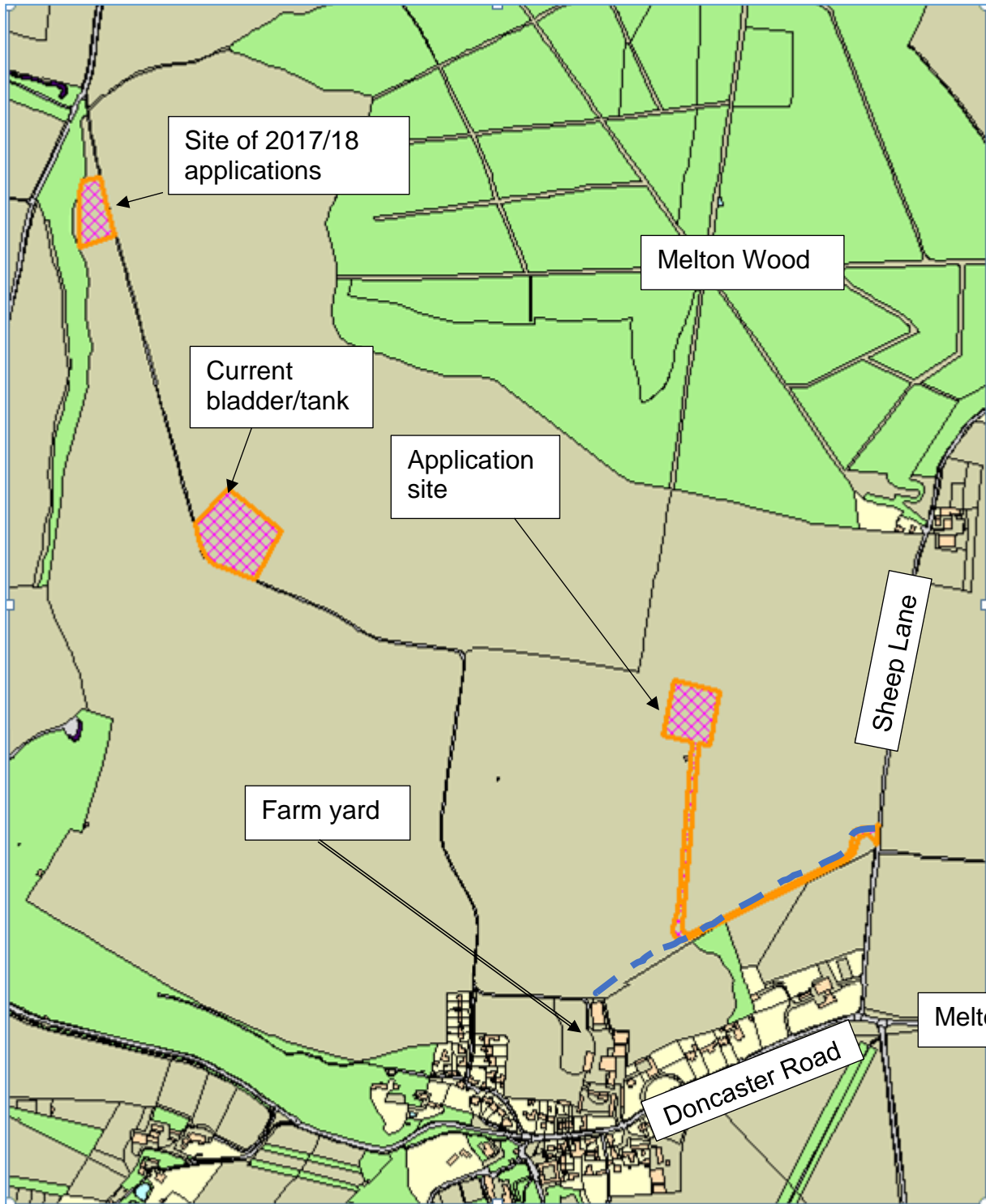
Proposal Description:	Engineering Operation for creation of Access Track and Bio-fertiliser Storage Lagoon.
At:	Red House Farm Doncaster Road High Melton Doncaster

For:	Mr M & T Woolhouse
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Third Party Reps:	123 objections	Parish:	High Melton Parish Council
		Ward:	Sprotbrough

Author of Report	Mark Ramsay
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<p>SUMMARY</p> <p>This proposal seeks planning permission for engineering operations to create a lagoon to store Bio-fertiliser within the holding of Red House Farm to allow the timely spraying of crops without having to await deliveries. The proposal also includes a spur from the already authorised access track that leads from Sheep Lane to the farmyard. This will replace the existing tank used for storing Bio-fertiliser which is located further to the west and is currently accessed from Hangman Stone Lane and requires delivery vehicles to exist the farm within the village.</p> <p>The application is being presented to Planning Committee given the level of public interest.</p> <p>RECOMMENDATION: To GRANT planning permission subject to conditions.</p>
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Route of track
20/02080/FUL

1.0 Reason for Report

- 1.1 This application is being presented to committee due to the high level of interest in the proposal.
- 1.2 The application was deferred from the planning committee held on the 04th April 2023 to:
- Provide clarity on the extent of the farm holding;
 - Identify on what parcels of land the digestate would be used;
 - Provide clarity in respect of the planning history; and;
 - To provide clarity in respect of the difference in odour between the existing bladder tank and the proposed development.

2.0 Proposal and Background

- 2.1 The proposal comprises of the excavation of soil to then be used to create banking to form a lagoon that would enable approximately 6,000m³ of Bio-fertiliser to be temporarily stored before use on the farm. The lagoon will be lined and covered with high strength Polyolefine, and the seams will be welded and include vents.
- 2.2 The digestate or 'Bio-fertiliser' material will be produced from the anaerobic digestion of food waste. The Bio-fertiliser that is to be stored within the proposed lagoon will have achieved British Standard Institution's Publically Available Specification – BSI PAS110 - prior to dispatch from the producing anaerobic digestion site, i.e., it is a product not a waste. This specification provides a baseline quality specification for digestate, ensuring that it is safe and reliable to use. PAS110 includes requirements about how food waste and other materials can be processed, and forms the main part of the bio-fertiliser Certification Scheme. This certification will ensure that the material is of a consistent quality, is sanitised and stable.
- 2.3 The farm holding is principally in arable production growing wheat, potatoes, sugar beet, oil seed rape and haylage. The Bio-fertiliser will be delivered by tanker (as it currently is to the mesh bladder/tank on the farm) and then transferred to and from the lagoon via sealed pipework that will connect the tanker to a discharge station. The discharge station includes a double valve assembly and a sump (PVC overflow drum) to capture any spills during discharge/ filling and also enables the lagoon to be completely emptied, if required. The Applicant's own farm tanker will be used for the removal of digestate for spreading on the land.
- 2.4 The existing bladder/tank within the Farm Holding is served by a track way that runs from the farmyard in the south through to Hangman Stone Lane in the north. This track is of a limestone and road scalping's surface and currently serves the farm holding for farm vehicle movements. This trackway is in part also a public footpath and bridleway. The proposal will render the existing bladder tank redundant and remove the requirement for delivery vehicles to access the farm on the bridleway/footpath.

- 2.5 A new access to the site of the proposed lagoon is partly permitted and under construction from Sheep Lane to the existing farm yard in order to serve a new barn. A new spur will link this access to the lagoon. This new access will provide access to the lagoon from Sheep Lane and avoid deliveries of bio-fertiliser from having to use the access to the farm from Doncaster Road which is in the middle of the village. Tankers will enter and leave the farm from the new access road which is specifically designed for the farm and its specialist vehicles.
- 2.6 The applicants have provided more detailed information regarding how they calculated the required size of the lagoon. This is based on the planting of 186 ha. of land north of High Melton Village and east of Sheep Lane (see appendix 1). During February and March all the land is planted and requires 30 to 50 cu m of fertiliser per ha over the period. Once filled to capacity, the lagoon would provide sufficient capacity to allow the crops to be fertilised at the most optimum time (while still being topped up as regular deliveries would continue). While the applicant also has other land in their holding they have stated that for the lagoon to serve any more land, it would have to be even bigger and also involve double handling which is logistically impractical and they do not intend to transfer the contents elsewhere.

3.0 Site Description

- 3.1 The application site lies within the farm holding of Red House Farm and is located, on land to the north of the west of the farmyard. High Melton village principally lies along Doncaster Road running east-west and the site of the lagoon would be approx. 0.5 km to the north of the village to the west of Sheep Lane.
- 3.2 The farmyard itself lies adjacent to High Melton Village and the associated farm land extends to a total of 190 hectares to the north and east of the village. Sheep Lane runs through the land holding with 40 hectares lying to the east of the road.
- 3.3 The farm buildings are located around the farm yard and comprise large modern agricultural buildings used for machinery storage crop drying and storage. The original and historic farm buildings lie principally within another ownership south of the working farmyard.

4.0 Relevant Planning History

2017 and 2018 applications

Application Reference	Proposal	Decision
17/00808/FUL	Proposed excavation and installation of biofertiliser lagoon, access area and 1.8m stock proof fence - also Underground pipe conduit under SHEEP LANE.	Refused 20 November 2017
Reason for refusal		
1. The proposed development would detract from the enjoyment and safety of users of the Public Right of Way through an increase in vehicle movements being contrary to Policies CS3 and CS 17 of the Doncaster Council Core Strategy (2011-2018) adopted May 2012.		
2. The development would lead to the creation of a dangerous access on Grogman Stone Road and dangerous exit on Doncaster Road where there is reduced visibility.		

This is contrary to Policy CS3 of the Doncaster Council Core Strategy (2011-2018) adopted May 2012.		
18/00269/CPL	Certificate of proposed lawful development for engineering operation to construct a bio-fertiliser lagoon.	Refused 02 July 2018
Reason for refusal The applicant has failed to provide sufficient information to demonstrate that it falls within Class A of Part 6 of the Permitted Development Order. Without sufficient information, the application for a Certificate of Proposed Lawful Use should be refused.		

- 4.1 The application in 2017 was for a site at the north west corner of the farmstead close to the access to Hangman Stone Lane from Hangman Stone Road, which is south of the Marr Wind Farm. This was for a lagoon of similar capacity as the current proposal. It was proposed to cover a smaller area but deeper than this application. It was to be covered by floating boards rather than a polyefine cover with welded seals that is included in the current application and would share its access with a public bridleway whereas this application will have its own access from Sheep Lane.
- 4.2 The first application sought consent in terms of gaining planning permission for the development and was refused by members at a Planning Committee in November 2017 for reasons relating to safety of users of the public bridleway (that doubles up as farm access running through the farmstead from Hangman Stone Road to the farm yard). The second reason for refusal was that the access from High Melton village on Doncaster Road presented safety concerns.
- 4.3 The 2018 application sought to show that the same development was in fact permitted development under Part 6 of the General Permitted Development Order 2015 as amended and, therefore, would **not** require planning permission. In determining the Certificate application a planning judgement or balancing exercise on the merits of the development was not made. It was determined on the basis of whether the proposed development would comply with the relevant legislation.
- 4.4 It was considered by officers, following legal advice from Counsel that the applicant had failed to provide sufficient information to demonstrate that it falls within the relevant parts of the Order. Without there being sufficient information, the application for a Certificate of Proposed Lawful Use was refused.

2018 development and subsequent Enforcement Appeal

19/00003/ENFNOT (Planning Inspectorate ref APP/F4410/C/19/3222400)	Appeal against enforcement action for alleged unauthorised installation of bladder tank under grounds A, C, E, F and G.	Appeal allowed Enforcement Notice Quashed and planning permission granted 17 August 2021
'The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely a mesh silo in the position shown on the Plan attached to the notice with the dimensions of 3 metres high from the ground, and 23		

metres in diameter with a capacity of 1,250 cubic metres incorporating associated pipework, the materials being galvanised steel mesh outer basket and black inner impermeable liner, at land situate and known as land north of Hangman Stone Lane, High Melton, Doncaster.'

Background

- 4.5 In 2018 a bladder/tank (as referred to by the applicants and 'mesh silo' as referred to by the Planning Inspector) was erected adjacent to Hangman Stone Lane without planning permission. The applicants asserted that planning permission was not required and an Enforcement Notice was served by the authority. The appeal was heard by an Inspector at a Public Inquiry in 2021 and a decision issued 17 August 2021 (19/0003/ENFNOT/APP/F4410/C/19/3222400) quashing the enforcement notice and issuing planning permission (see appendix 6).
- 4.6 There are matters of note from the decision notice issued by the appeal inspector. In paragraph 24 of the decision letter, it was confirmed that the mesh silo is a building used for the purposes of agriculture and that agricultural buildings are not inappropriate development in the Green Belt as expressed in paragraph 149 of the National Planning Policy Framework.

Landscape

- 4.7 At the time of the Inquiry the site was designated as being within an area of Special Landscape Value as set out in the Unitary Development Plan and an there was a published assessment that the Inspector referenced. While this has been superseded by Local Plan Policies the Inspector comments about the landscape (paragraph 32 & 33) being dominated by the Marr Wind Farm and Electric Pylons and are 'substantial pieces of infrastructure'. This was relevant when considering the impact on the landscape of the appeal site and although it is approximately three-quarters of a kilometre further east, they are prominent in the setting of the application site of the lagoon. This also goes to the tranquillity of the setting or lack thereof due to the appearance of the infrastructure. It is further noted that although rural, the appeal site is a working farm with '...activity associated with this working landscape, including movements by vehicles and farm equipment. Some of that activity, previously, related to the use of bladder tanks for the storage of Digestate through the use of bladders either suspended in the farm yard or placed on the land.
- 4.8 Consequently, in relation to perceptual qualities of this landscape, activity levels on the appeal site formed a part of the baseline against which the development, subject of the appeal, was assessed. Similarly the application site of the lagoon is well inside the working area of the farm.

Digestate/bio-fertiliser

- 4.9 The 2021 appeal heard evidence that explained that Digestate is one of the products of anaerobic digestion (paragraph 44). Digestate is certified under the bio-fertiliser certification scheme to PAS 110 standard. As such, it is not a waste material and does not require an environmental permit or exemption to be in place prior to application to land.

- 4.10 Digestate is a valuable source of essential plant nutrients, such as nitrogen, phosphate and potash, and is low in potentially toxic elements. Anaerobic digestion is a continual process, so a means of storage for the digestate is essential to enable the process of anaerobic digestion to continue. Having the storage facility on the farm itself means that when the time for application is appropriate the digestate can be spread promptly, efficiently and above all, accurately to the land. The odour given off by digestate, whilst unpleasant, is not known to be noxious.

Odour

- 4.11 The 2021 Public Inquiry heard that there were objections to the odour given off by the digestate from the mesh silo (paragraph 49). Upon the site visit the Inspector noted the odour of the digestate was apparent when standing downwind of the mesh silo and recognised that it was an unpleasant smell although confined to an area close to the mesh silo. He noted that it may be stronger and travel further at other times; for example, when digestate is being delivered to the mesh silo and being transferred into it from the tanker, and/or when the wind is stronger.
- 4.12 The Inspector noted that details of complaints about odour had not been provided to the Inquiry (although all the representations provided in response to the publicity to the Inquiry had been sent to the Inspector). Upon checking with the Environmental Health Officer, the complaints received in terms of a statutory nuisance had nearly all been in regard to spreading on land and not the operation of the tank. There were a very small number of incidents of spills occurring from deliveries and the Inspector noted in his report sight of some material on the ground, by the tank, when he did his visit.
- 4.13 The Inspector noted that the closest residential properties were some distance away and the application of digestate to land is a legitimate farming operation. The smell associated with fertilizers is associated with farming, and in that respect is not unexpected in this location. The Inspector did not consider the chemical composition of digestate to be a material consideration that weighs against the development.

Delivery of the Digestate

- 4.14 The 2021 Public Inquiry heard about the access used by delivery vehicles to the mesh silo (paragraph 52). The appellant stated that the average number of tanker movements delivering the digestate would be approximately 208 per annum, which equates to just over 2 vehicle movements per day and is dictated by the maximum permissible quantity of bio-fertiliser which can be applied on this block of land. The lagoon subject of this application is substantially larger and would require approximately double the frequency of movements to keep it filled although it is on a different part of the farm and would have a different access.
- 4.15 The tankers currently access the mesh silo along the farm track starting where Hangman Stone Road and Hangman Stone Lane meet and the appellant/ applicant uses a one-way system along that farm track. The farm track is also a public right of way (Bridlepath High Melton No.1). The Inspector noted the potential conflict with walkers, cyclists and riders but was more concerned about the amenity of nearby dwellings that might be affected by deliveries at unsocial hours (stated as early as 05.45 and as late as 21.00).

The Inspector in allowing the appeal required conditions for traffic management (paragraph 55) and an odour management plan to be agreed with the Local Planning Authority.

- 4.16 The bladder/tank currently used to store bio-fertiliser allowed by the appeal decision will become redundant should the lagoon be allowed and the applicants accept that this can then be removed.

2020 application

20/02080/FUL	Proposed Erection of Hay Store (36.81m x 27.1m) and provision of new farm access track from Sheep Lane.	Granted December 2020
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- 4.17 In 2020 an application was approved for a new barn at the north end of the farmyard in connection with the provision of a new access from Sheep Lane. The access from Doncaster Road is relatively narrow and was proving difficult for large delivery vehicles to turn in and out of.

- 4.18 The access in the 2020 approval overlaps with the access to the proposed lagoon to be used by vehicles delivering digestate. The current application adds a spur from this track running north to serve the lagoon and would result in all deliveries of bio-fertiliser to enter and leave from Sheep Lane and not require access to the bridleway or the entrance to the farm in High Melton village. The increase in number of movements and impacts on amenities of nearby residents is discussed in the assessment of the current application.

Other development

- 4.19 Red House Farm has had various applications for development not directly related to the storage of bio-fertiliser in recent years and these are listed below for completeness;

Application Reference	Proposal	Decision
15/00142/FUL	Formation of hardstanding to store agricultural produce	Planning permission granted 10.04.2015
16/00038/FUL	Demolition of agricultural cart shed within a conservation area (part retrospective)	Planning permission refused 10.05.2016
19/01941/FUL	Proposed installation of ground source heat pump for existing adjacent grain store.	Planning permission granted 08.10.2019
19/02658/FUL	Installation of ground source heat pump for existing adjacent grain store (being resubmission of application 19/01941/FUL, granted on 08/10/19) including substation	Planning permission granted 23.12.2019
20/01025/FUL	Installation of ground source heat pump for existing adjacent grain store	Planning permission granted 11.05.2020

20/01423/AGR	Prior notification for the erection of a hay/grain store.	Prior approval refused 06.07.2020
20/01734/FUL	Demolition of the remainder of existing barn and erection of replacement building for use as farm office.	Planning permission granted 09.10.2020
20/02080/FUL	Proposed Erection of Hay Store (36.81m x 27.1m) and provision of new farm access track from Sheep Lane.	Planning permission granted 23.12.2020
22/01274/PRIOR	Notification to determine if prior approval is required for Installation of 158.8W roof mounted PV system comprising of 418 x Canadian Solar 380w modules	Planning permission not required 13.09.2022
22/02151/PRIOR	Application to determine if prior approval is required for the proposed Installation of other Solar Photovoltaics (PV) equipment on the roof of existing barn.	Prior approval not required 30.09.2022
22/02528/FULM	Installation of a ground mounted solar PV system comprising of 2640 x Canadian Solar 380w solar panels'	Pending consideration

5.0 Site Allocation

5.1 The site is identified as being within the South Yorkshire Green Belt as shown in the Doncaster Local Plan.

5.2 National Planning Policy Framework (NPPF 2021)

5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:

5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.

5.6 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- 5.7 Paragraph 47 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.8 Paragraphs 55 and 56 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.9 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.10 Paragraph 119 requires planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.11 Paragraph 130 states that planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.
- 5.12 Paragraphs 147 -150 states that development in the Green Belt is inappropriate unless there are very special circumstances except for a number of types of development that are not considered inappropriate such as engineering works and agricultural buildings.
- 5.13 Paragraph 183 states planning policies and decisions should ensure that a site is suitable taking account of ground conditions and any risks arising from land instability and contamination.
- 5.14 Paragraph 184 states where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Local Plan

- 5.15 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:
- 5.16 Policy 1 Settlement Hierarchy (Strategic Policy) sets out that High Melton is a Defined Village and that decisions for development in the Green Belt will be taken in accordance with policies set out in the National Planning Policy Framework.
- 5.17 Policy 13 relates to sustainable transport within new developments. Part A.6 states that proposals must ensure that the development does not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on

the road network. Developments must consider the impact of new development on the existing highway and transport infrastructure

- 5.18 Policy 41 of the Local Plan states that development proposals will be supported where they respond positively to their context, setting and existing site features, respecting and enhancing the character of the locality; and where they integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale.
- 5.19 Policy 46 sets out that all non-residential and commercial developments, must be designed to be high quality, attractive, and make a positive contribution to the area in which they are located and have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.

Other material planning considerations and guidance

- Transitional Developer Guidance (2022)
- National Planning Policy Guidance

5.20 Neighbourhood Plan (NP).

- 5.21 No neighbourhood plan is relevant to this application.
- 5.22 Doncaster Council adopted the Biodiversity Net Gain Supplementary Planning Document (SPD) in September 2022, and the document is a material consideration in decision-making
- 5.23 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) have been formally revoked in line with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012, following the adoption of the Local Plan. The SPDs refer to superseded development plan policies, and some provide guidance which is not in accordance with the new Local Plan. The Transitional Developer Guidance (April 2022) provides guidance on certain elements, including design, during the interim period, whilst new SPDs to support the adopted Local Plan are progressed and adopted. The Transitional Developer Guidance, Carr Lodge Design Code and the South Yorkshire Residential Design Guide (SYRDG), should be treated as informal guidance only as they are not formally adopted SPDs. These documents can be treated as material considerations in decision-making, but with only limited weight

6.0 Representations and consultations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Act by display of site notice close to the site and letters to neighbouring properties
- 6.2 118 individual representations were received objecting to the proposal and the matters raised include;
- loss of amenity through noise, traffic, noxious odour, air quality;
 - scale of the storage facility when compared with the bladder/tank;
 - extra movements of large vehicles on country roads and through village;

- water pollution;
- validity of odour management plan; and;
- management of current spreading on the farm.

6.3 Since the application was deferred at the Planning Committee in April, 5 further representations have been received, 4 objecting to the proposal and 1 in support. The matter raised include:

- concerns regarding access to the lagoon
- environmental risks
- considered the existing storage as sufficient.
- the odour management plan is insufficient, and,
- implications of a permission that was overturned in a legal case, connected with a proposal for a chicken shed and the subsequent spreading of manure on adjacent land resulting from that development.

7.0 Town/Parish Council

High Melton Parish Council

7.1 High Melton Parish Council resolved to object to the proposal.

Sprotbrough and Cusworth Parish Council

7.2 The main areas of concern relate broadly to two material planning considerations;

- Impact on local amenity in relation to noise and odour, and,
- Impact on the local highway network.

‘The proposed application will have a significant impact on the resident’s enjoyment of their home, the village of Sprotbrough and the surrounding area with persistent odour pollution from the development either by the effect of prevailing winds or the pooling of odour.

7.3 We note the response from the Environment Agency to this application dated 24th May 2022 and endorse the view relating to the advice given regarding compliance with The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended in 2013 and The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018.

7.4 With regard to impact on the local highway network there will be an increase in heavy goods vehicles through the Parish – notably Sprotbrough Road, as this is the most direct route to Bentley where ReFood is located. This type of traffic is unsuitable through a residential area which includes a primary school at Richmond Hill adjacent to the road.’

8.0 Relevant Consultations

Environmental Health

- 8.1 Version 2.1 of the Odour Management Plan is agreeable with the measures to be taken considered suitable and sufficient to control the potential for odour emissions from the proposed storage lagoon.

Environment Agency

- 8.2 No objections but have highlighted the legislation that the developer will need to comply with, in terms of avoiding pollution, should permission be granted.; i.e. Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013 and Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018. It is recommended to include informatives to this effect in the decision notice.

Highways

- 8.3 No objections subject to minor alterations required to ensure sufficient turning for delivery vehicles.

Natural England

- 8.4 No objections.

Yorkshire Wildlife Trust

- 8.5 No objections.

Public Rights of Way

- 8.6 The Public Rights of Way team has no objection to the planning application.

Access to the proposed lagoon site is along the new farm access track from Sheep Lane (approved under application ref: 20/02080/FUL) and a proposed link from this track to the lagoon. Public footpath No.4 High Melton crosses the new farm access track. Given the likely increase in traffic from vehicles accessing the lagoon, provision needs to be made to safeguard pedestrians using the public footpath. The farm access track poses a new hazard to pedestrians, previously it was a field with not interaction with vehicles other than during agricultural operations.

Ecology

- 8.7 No objections - in order to provide net gain for bio diversity a condition requiring a landscaping scheme comprising equivalent to two habitat units is required.

9.0 Assessment

- 9.1 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest

- Limited
- Little
- No

Principle of development

- 9.2 The main assessment in this report will directly be related to the creation of the lagoon and its use. In considering the proposal, the main material planning considerations are outlined below:
- 9.3 The application site falls within the South Yorkshire Green Belt as shown on the Policies Map that supports the Doncaster Local Plan 2015-2035. Local Plan Policy 1 is relevant and states that for development in the Green Belt national planning policy will be applied including the presumption against inappropriate development except in very special circumstances.
- 9.4 Paragraphs 147-150 of the NPPF set out that certain types of development are not considered inappropriate in the Green Belt and these include agricultural buildings and engineering operations (provided they preserve its openness and do not conflict with the purposes of including land within it). The proposal is considered to fall within the exemptions highlighted in paragraphs 149 (a) of the NPPF and therefore, the proposal does not need to demonstrate very special circumstances.
- 9.5 Paragraph 84 of the NPPF also states that planning decisions should support the sustainable growth and expansion of all types of business in rural areas through the development and diversification of agricultural and other land-based rural businesses.
- 9.6 The proposal has been screened for an Environmental Impact Assessment (EIA) in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulation 2011. The proposal is not Schedule 1 development requiring mandatory EIA. The proposal is, however, potentially caught by Schedule 2 (Part 11) i.e. Installations for the disposal of waste (within 100 metres of controlled waters). The proposal is not strictly speaking 'disposal' as it is to be stored for the beneficial use as a fertiliser on adjacent land. Nevertheless, it is akin to such considerations and the assessment criteria laid out in Schedule 3 have been assessed.
- 9.7 The impact of storage of this material has been considered and it is unlikely that the proposal will have a significant effect on the environment in terms of the characteristic of the development, the location of the development or the characteristics of the potential impact. Also, the material to be stored is already spread onto this agricultural land and is subject to regulations laid down by the Department of Environment, Food and Rural Affairs (DEFRA) and subject to regulation by the Environment Agency.
- 9.8 The application has been deferred from the 5th April Planning Committee as members sought clarity in relation to the size of the farm holding and where the digestate associated with this application would be spread. The applicant has confirmed through the additional statement from their consultants that the intention is to have sufficient capacity for the lagoon to provide fertiliser for the 186ha of land north of the village and to the east of Sheep Lane (see map at appendix 1).

- 9.9 This requirement is particularly acute during February and March when historically all the land requires fertiliser because it is being farmed at the same time (see table 1 at appendix 5). It is stated that the requirement is between 30 and 50 cubic metres per hectare over that period. The capacity of 6000 cubic metres would on average service just over 32 cubic meters per hectare during that period, so being at the lower end of the 30-50 threshold. The lagoon would continue to receive its regular schedule of deliveries through that period, so not running dry. The applicants state that they do not propose to transport material elsewhere from the lagoon.
- 9.10 The proposal, therefore, is acceptable in principle.

Sustainability

- 9.11 The National Planning Policy Framework (NPPF, 2021) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.12 There are three strands to sustainability, social, environmental and economic. Para.10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.
- 9.13 The proposal supports a rural agricultural business and will allow the enterprise to virtually eliminate the use of factory prepared fertilisers and move completely over to the use of Bio-fertiliser. Additionally by having the material stored on site and in sufficient quantity, will be able to deploy this at the optimum time, especially when weather conditions are changeable. As the available storage is greater than the bladder/tank, overall, the number of deliveries should even out and it is estimated that around 21 deliveries across a week would be sufficient to keep the lagoon filled.
- 9.14 While the Bio-fertiliser itself is technically not waste, the re-use of the end product from the process of disposing of waste food can be seen to add to the overall sustainability of the proposed development including the advantages of bio-fertiliser over factory produced fertiliser.

SOCIAL SUSTAINABILITY

Impact on Amenity

- 9.15 The proposal will store 6,000 cubic metres of bio-fertiliser. The lagoon has been designed to be lined underneath and with high strength Polyolefine cover over the top with the seams welded together and vents fitted into the cover. The Bio-fertiliser does have a distinctive odour, however as the lagoon is covered, the amount of odour emanating from the lagoon itself will be limited and is likely to only emit odour when being filled as the liquid will push air through the vents.
- 9.16 The applicants have prepared an Odour Management Plan (OMP) that has assessed the receptors within a kilometre of the site and based on the study, they have concluded the results of odour modelling predict that the 98th percentile hourly

mean odour concentrations at the modelled residential/commercial premises would be less than the Environment Agency's benchmark criteria for the most offensive odours, the 98th percentile hourly mean odour concentration being 1.5 ouE/m³.

- 9.17 In representations the Air Quality Management guidelines have been highlighted and they point to additional community based assessments. However, the guidance itself acknowledges that the difficulty of measuring odour at ambient levels i.e. no analytical techniques can currently measure the sensitivity, speed of response and breadth application of the human nose, hence the proposed use of 'sniff tests' in the OMP.
- 9.18 The spreading of fertiliser is also covered by Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air and the Code of Good Agricultural Practice (COGAP) for Reducing Ammonia Emissions(produced by DEFRA in 2009 and 2018 respectively). The OMP is written in the context of these measures and puts in place requirements for complaints including contacting the Environmental Health department at the authority who also have the responsibility of determining whether there is a statutory nuisance and take action under Environmental Health Protection legislation. Similarly, the same legislation applies if a nuisance is caused from the spreading of fertiliser through not following the good practises.
- 9.19 The Applicant is also required to maintain records of all monitoring carried out. Details of odour non-conformances, odour complaints, including investigations, and remedial measures taken, will be recorded by the Applicant and copies will be maintained within the Farm Site Office and be available for inspection and notified to the Environmental Health Team at the Council. This would inevitably involve local people providing the community involvement mentioned in the Air Quality Management guidelines.
- 9.20 Representations have also been put forward seeking equivalence to a case which escalated to the courts (R(Squire) v Shropshire Council [2019]) in connection with the building of a new chicken farm building and the resulting manure to be spread on adjacent land. The matters raised with the court were whether an Environment Agency permit could be relied on to control the application of manure. The other matter raised was the assessment of dust and odour caused by the development and spreading manure on adjacent land, some of which was outside the ownership of the applicant.
- 9.21 This development differs in that the development being applied for would allow a larger storage receptacle than at present, rather than a new intensive livestock operation as examined by the court. The material being kept in the lagoon is also not classed as waste and would be limited to being spread on the 186ha of land of Red House Farm as set out in the conditions recommended below.
- 9.22 It also differs in that the same bio-fertiliser that would be contained in the lagoon is already used across the same farm land, so the only difference is that the store of material available to apply to that land would be larger and in a different location than at present. The lagoon has a sealed cover so there would not be dust generated from its use. The current storage (in the existing tank) or spreading is not an activity that is controlled by a permit as it doesn't trigger the requirements of the permitting regulations. For the avoidance of doubt, no weight is being applied to the balance of considerations on the basis that it might be.

- 9.23 The odour management plan specifically considers the development of the lagoon and its proposed operation. The assessment concludes that predicted odour concentrations are at levels which would indicate that odour from the proposed lagoon would very rarely, if ever, reach detectable levels at any residential/commercial properties, the closest of which is over 400m away.
- 9.24 The modelling predicts that in closer proximity (within approximately 200m) of the proposed Bio-fertiliser storage lagoon, there would be detectable odours on occasion. This area is largely open arable farmland, however users of the footpaths and/or bridleways might encounter moderate odour levels in very close proximity to the lagoon.
- 9.25 Natural England and the Wildlife Trust have not objected but stated that additional advice is taken. The nearest receptor of interest would be Melton Wood which at its closest point is over 300m away. Given that the development is sufficiently set apart it is not considered that the development would be detrimental to that habitat.
- 9.26 Many of the representations take issue with the odour from the spreading of the product and whether this should be used at all. However, the product is certified for use and is already being spread across the farm holding successfully. The spreading of this product or any fertiliser will inevitably produce some odour but is not directly controlled under the planning acts. Should there be a statutory nuisance it would be for the authority to act in its role under Environmental Protection legislation.
- 9.27 The odour management plan puts in place measures that the operator must take in the course of the operation of the lagoon, as good practice, if any incidents occur and has been assessed based on its capacity of 6000 cubic metres. This is in a similar fashion to that required by the appeal decision on the smaller bladder/tank which holds about 1200 cubic metres. The Inspector at the 2021 Public Inquiry did not consider the chemical composition of digestate to be a material consideration that weighed against that development. No technical assessment was carried out as part of the appeal but anecdotally the Inspector noted the smell from the tank was only noticeable close to the tank.
- 9.28 It is acknowledged that the proposed lagoon will have a much greater capacity and is closer to receptors than the bladder/tank, however in this case the odour management plan (OMP) has been prepared specifically considering its size and design (with a permanent cover and welded closed) and calculations of the likelihood of it affecting nearby residents. As the lagoon has a sealed cover, most odour is kept within the lagoon and would likely only vent externally when being filled. The plan also puts in place measures to make the deliveries as safely as possible and that there are processes within that plan, should incidents occur. The Environmental Health Officer has agreed the contents of the OMP.
- 9.29 The siting of the lagoon is over 400m from the nearest dwelling and the access track for delivery vehicles will be no closer than 150m from the dwellings that front Doncaster Road. The lagoon is proposed to be situated in a dip in the landscape which will also reduce the impact on the appearance in the landscape and the openness of the Green Belt. It also would avoid any run off to adjacent land.
- 9.30 The vehicle movements to and from the lagoon would also lessen the impact of amenities of occupants within the village in terms of disturbance and remove

conflict with pedestrians. Delivery vehicles would no longer need to turn onto Doncaster Road within the village and share a bridleway with pedestrians and other users. This is discussed in more detail later in the report.

Conclusion on Social Impacts.

- 9.31 The development is within the landscape looked over by residents on the edge of the neighbouring settlement. However, the development is not sufficiently close to significantly harm the amenities of residents through noise, disturbance or odour, due to the distance involved to the nearest receptors and limited weight should be afforded. Additionally this development will render an earlier development redundant and there is a net benefit from vehicle movements servicing that development no longer being required. This is a benefit to users of the bridleway and occupiers next to the farm. Therefore, limited weight can be set against the proposal based on social impacts.

ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

- 9.32 The NPPF attaches significant weight to the design of the built environment and states that planning decisions should aim to ensure that developments are visually attractive as a result of appropriate landscaping.
- 9.33 In terms of the existing landscape, the area is dominated by both arable and pasture fields, Melton Wood and trees separating the ribbon of housing on Doncaster Road from the farmland. The key part of the design in its final appearance is safe and secure storage area for digestate and one that isn't intrusive into the surrounding landscape.
- 9.34 The proposal will comprise the excavation of the lagoon, and create a low raised bund approx. 3.5m above ground level. This will limit its visual impact in the landscape. This is then viewed in the setting of the woodland to the north and within undulating land across the holding. The site is also seen in the context of turbines at Marr Wind Farm to the north and Electrical Power Lines that cross the site. These were referenced by the Planning Inspector in his appeal decision for the bladder tank and although the locations are approximately three quarters of a kilometre apart the two features are prominent in their respective settings.
- 9.35 Given the relatively modest rise of the bund above surrounding ground level, which will become naturally colonised by native species, it is considered that the visual impact of the actual lagoon structure will be negligible.
- 9.36 A condition is recommended that would require prior approval of any fencing and landscaping that surrounds the turning area and the lagoon itself.

Impact on the Highway Network

- 9.37 Local Plan Policy 46 requires, amongst other things, that site layouts should function correctly and development should not result in unacceptable impact on highway safety.

- 9.38 The access to the lagoon will principally be from Sheep Lane which connects to routes towards Sprotbrough, Cusworth and Doncaster so that delivery vehicles can operate to and from the producer.
- 9.39 The current bladder tank is subject to a route management plan that sees vehicles proceed from Hangman Stone Road, share the Bridleway known as Hangman Stone Lane and then exit the farm via the farm yard and the access onto Doncaster Road, within High Melton village
- 9.39 Should the proposed development proceed, this will no longer be necessary as the bladder/tank would be redundant. Vehicles would therefore access the lagoon from Sheep Lane, transfer the Bio-fertiliser to the lagoon and leave via the same route. The applicant is agreeable to the removal of the bladder/tank that was approved at the appeal.
- 9.40 The proposal would benefit two fold, first removing tanker vehicles from the shared bridleway. It would also cease requiring vehicles to turn at the access to Red House Farm within the village itself and also not having to turn from Hangman Stone Road, where vehicles need to slow on the approach and visibility is not ideal. The requirement will be to, instead, access the lagoon for deliveries from Sheep Lane which removes the existing conflicts and provide a net benefit in terms of highway and pedestrian safety.
- 9.41 Concern has been raised due to the extra movements in Sprotbrough and Cusworth, once the lagoon has been filled the number of trips would average 21 per week so represent 4 or 5 movements each way across a five day week. This does not represent an excessive number of additional movements on local roads and would also remove the requirement for movements within High Melton village and on Hangman Stone Lane.
- 9.42 The lagoon has a greater capacity than the existing bladder/tank previously approved because it will service not only all the land to the north of the village and east of Sheep Lane (186ha), but has been designed with sufficient capacity to provide for the times of year (Feb and March) when all this land is being farmed for grass, winter wheat, fodder beet and oilseed rape and requires fertilising. (see table 1 at appendix 5). Additionally this will replace any remaining current supply arrangements of factory produced fertiliser.
- 9.43 On this basis, there is a requirement for between 30 and 50 cubic metres for each hectare from February to March. Therefore, 6000 cubic metres will be at the bottom end of this threshold, although regular deliveries will continue, which in most circumstances will provide sufficient capacity through this busy period, and therefore unlikely to need to fall back to using factory made fertiliser to make up any shortfall.
- 9.44 While the applicant does farm more land, they have stated in the update that in order to service this, they would require a much larger lagoon (up to 3 times the size) and require double handling in order to reach more remote fields, which they state is logistically difficult. A condition is recommended that only digestate stored in the lagoon shall be used on the 186ha of Red House Farm (see appendix 1). The applicants have further stated they won't transport the digestate elsewhere.

- 9.45 The benefit to using the bio-fertiliser instead of factory made fertiliser, is that it is more sustainable through using less energy and natural gas to produce and also produces less emissions. (1 tonne of artificial fertiliser replaced with digestate saves 1 tonne of oil, 108 tonnes of water and 7 tonnes of CO2 emissions – figures from Anaerobic Digestion and Bioresources Association).
- 9.46 It is also recommended to include a condition stating that access to the lagoon for deliveries is not permitted from Doncaster Road or Hangman Stone Lane, which in turn ensures that deliveries only access the lagoon from Sheep Lane.

Conclusion on Environmental Issues

- 9.47 Para. 8 of the NPPF (2021) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve Biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 9.48 It is considered that this proposal, would have some impact on the surrounding landscape although this will lessen as the bund grasses over and it is recommended a scheme is required by condition for prior approval of boundary treatment, fencing and landscaping of the bund and turning area.
- 9.49 While overall the number of vehicle movements increases, they are not considered to be so frequent that it would represent an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (the test for refusing planning permission on highway grounds as set out at para 111 of the NPPF).
- 9.50 The development would remove the requirement for delivery vehicles to use the access into the farm within High Melton village. Similarly there is also a positive benefit in terms of delivery vehicles no longer needing to use Hangman Stone Lane and Hangman Stone Road which have poor access and/or conflict with existing public rights of way.
- 9.51 The appearance of the lagoon would represent a change in the landscape, however this is limited by the height of the bund and the distance this would be from the road. So overall, there is limited impact in terms of Environmental sustainability.

ECONOMIC SUSTAINABILITY

- 9.52 This proposal is to benefit the operation of a rural enterprise that already employs 9 people and add to its sustainability by reducing its reliance on bought in factory prepared fertilisers and enable it to apply Bio-fertiliser to the land within the farm holding at the most opportune time, especially given changeable weather conditions.
- 9.53 It has been raised in representations, concern that the lagoon would store Bio-fertiliser for onward sale to other operators. The applicant has stated that the content of the lagoon would be purely for the use on this holding. ~~Page 36~~ onward sale may also change the status of what is stored, which would require planning

permission and also and bring it within other licencing requirements such as the waste transfer regime.

- 9.54 Given that the development has been proposed on the basis of the requirements of the current farm holding, it would not be unreasonable to condition that the storage of Bio-fertiliser is purely to benefit the applicant or any operator of Red House Farm that may succeed them.

Conclusion on Economy Issues

- 9.55 Para 8 a) of the NPPF (2021) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 9.56 The development will assist the efficiency of the farm holding which is an economic benefit. The work involved in creation of the lagoon will also provide work for a short period in terms of production of the liner, cover and also the digging out of the lagoon and creating the bund.
- 9.57 The development will therefore give a positive economic benefit to a local employer that grows crops for sale to major food producers through the planting of crops, the fertilisation of the land, harvesting, storage and on site drying of cereals before final transport off the farm to their final destination.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 10 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified that economic factors that weighs in positive favour along with the social and environmental benefits from deliveries no longer having to come through High Melton village and the Hangman Stone Lane bridleway but balanced against the moderate impact on the landscape and limited impact on amenities of local residents from vehicle movements and odour when in close proximity to the lagoon.
- 10.2 On balance of planning considerations the harm from its appearance can first be mitigated partly by landscaping around the lagoon which will also contribute to Biodiversity. The harm is outweighed by the economic benefit of allowing the lagoon to contribute to a local rural enterprise. There are no other material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

11.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE FOLLOWING CONDITIONS:

Conditions / Reasons

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications:

21/358-102 Block Plan
23/358-103 Land Ownership Plan

REASON

To ensure that the development is carried out in accordance with the application as approved.

03. The planning permission hereby granted shall not be used other than for storage of bio-fertiliser used by the applicant (or by any succeeding operator of the Red House Farm) only on the farm holding outlined in blue on the Land Ownership Plan reference 23/358-103.

REASON

To restrict the use to the needs of the applicant only in the interests of the proper planning of the area and to reflect the applicant's circumstances.

04. Tanker deliveries to the lagoon shall not access or leave the site at any time either via the farm entrance fronting Doncaster Road or from the farm access on Hangman Stone Road.

REASON

In the interests of improving amenity in High Melton village and reduce conflicting vehicle movements on the footpath/bridleway known as Hangman Stone Lane.

05. The submitted Earth care Technical Odour Management Plan version 2.1 dated 25 November 2022 shall be adhered to at all times throughout the life of the development. Records of all monitoring required by the odour management plan shall be kept for a period of not less than 2 years and made available to the local planning authority for inspection upon request. The odour management plan is approved by the LPA and any proposed changes must be submitted to the LPA for agreement prior to the change being implemented.

REASON

To ensure that the development does not prejudice the local amenity.

06. Prior to construction of the lagoon, a scheme shall be submitted to and agreed with the Local Planning Authority to put in place warning signage about pedestrians crossing in the vicinity of where the public footpath intersects with the access track. The signage scheme shall be implemented before the lagoon is brought into use and maintained in perpetuity.

REASON

In the interests of highway safety and the amenity of the public.

07. Prior to the lagoon being brought into use, a scheme shall be submitted to the Local Planning Authority and approved in writing for the removal of the bladder tank permitted by Appeal decision APP/F4410/C/19/322400. This shall also include a scheme for the restoration of the site. The scheme shall include a programme of works that includes a date for the cessation of the use of the tank, its subsequent

removal, restoration of the site and the removal shall be carried out in accordance with the timetable and details in the agreed scheme.

REASON

In order to ensure development in the Green Belt that is redundant is removed.

08. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

REASON

To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.

09. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.

REASON

To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.

10. Once constructed, a permanent cover, as specified in the odour management plan, shall remain over the lagoon at all times, except for the purposes of allowing access for routine and emergency maintenance and then only for the shortest period necessary to carry out the maintenance. All instances when the cover is to be removed shall be notified to the LPA at least seven days prior to its removal in the case of routine works. In the event that the cover must be removed for emergency access then the LPA shall be notified within 48 hours following the cover being removed.

REASON

To ensure that the development does not prejudice the local amenity

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) the identification of delivery routes.
- iii) the identification of a construction access point and a swept path analysis for the largest construction vehicle to enter the site;
- iv) loading and unloading of plant and materials;
- v) storage of plant and materials used in constructing the development;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during construction;
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- ix) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

REASON

To safeguard the living conditions of neighbouring residents and in the interests of highway safety

12. Within one month of the commencement of development, an ecological enhancement plan shall be submitted to the local planning authority for approval in

writing. This plan shall include details of the following measures, all of which shall be implemented prior to the development being brought into use:

- Screening planting on two sides of the lagoon comprising native species trees and shrubs.
- Native species hedgerow to be planted on the northern boundary of the site and on sections of the proposed access track linking to the existing access track.

REASON

To ensure the ecological interests of the site are maintained in accordance with Local Plan policy 29

INFORMATIVES

01. INFORMATIVE

Planning consent does not authorise the obstruction or interference of public rights of way in any way.

02. INFORMATIVE - Silage, Slurry and Agricultural Fuel Oil Regulations - advice to applicant

The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations.

You must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction, and once an agreed proposal has been constructed we will ask you to send us a completed WQE3 notification form before you start using the facility.

Further guidance is available at:

Storing silage, slurry and agricultural fuel oil

Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers

03. INFORMATIVE Farming Rules for Water - advice to applicant

The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 which came into effect in April 2018, introduce farming rules for water that now apply to all farms. The 2018 Regulations seek to address diffuse water pollution from agriculture and set a consistent baseline of good practice across the agricultural industry in England. They aim to prevent water quality deterioration as a result of farming activities, but at the same time benefit the farming business by ensuring that fertilisers are spread to meet crop and soil needs, that no nutrients wash off to the water environment causing diffuse pollution and that soil is kept in good health. In this context, Reg 4(1) provides that application of manure and manufactured fertiliser on agricultural land must be planned to meet soil and crop nutrient needs. Hence, it

is likely that manure and slurry produced on farms may need to be stored for longer periods before it is applied on land.

In light of the above, the proposed slurry tank must have capacity to store the total volume of slurry produced on the farm for such periods as necessary to comply with the 2018 Regulations.

Additionally, it must be ensured that organic manure (slurry included) is not stored on agricultural land within 10 metres of inland freshwaters or coastal waters, or within 50 metres of a spring, well or borehole. Any risk factors for runoff, such as the angle of slopes, presence of land drains, soil type etc, must be taken into account when deciding on an appropriate storage location.

For more information on the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 please visit:

<https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution#assess-pollution-risks>

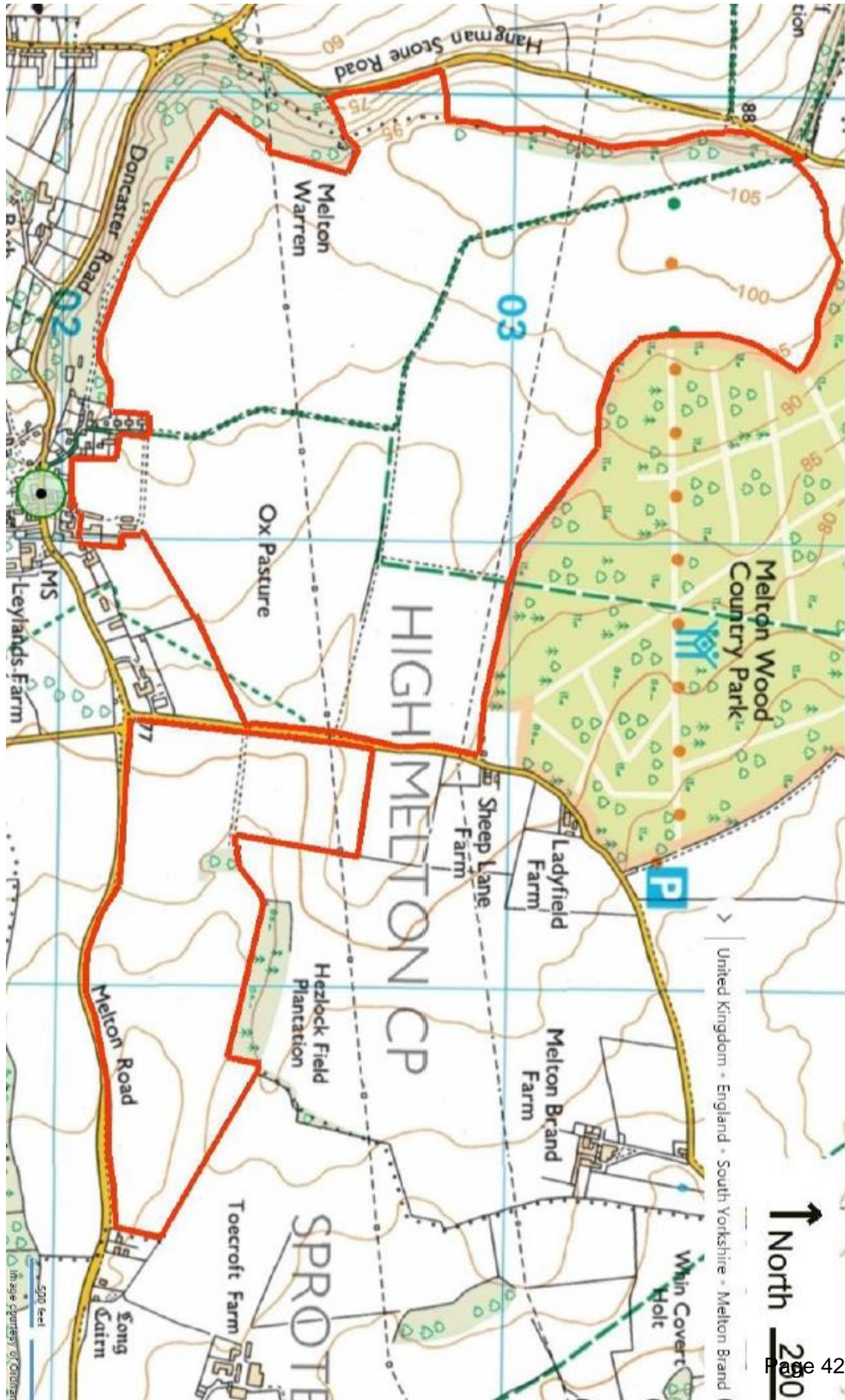
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application;

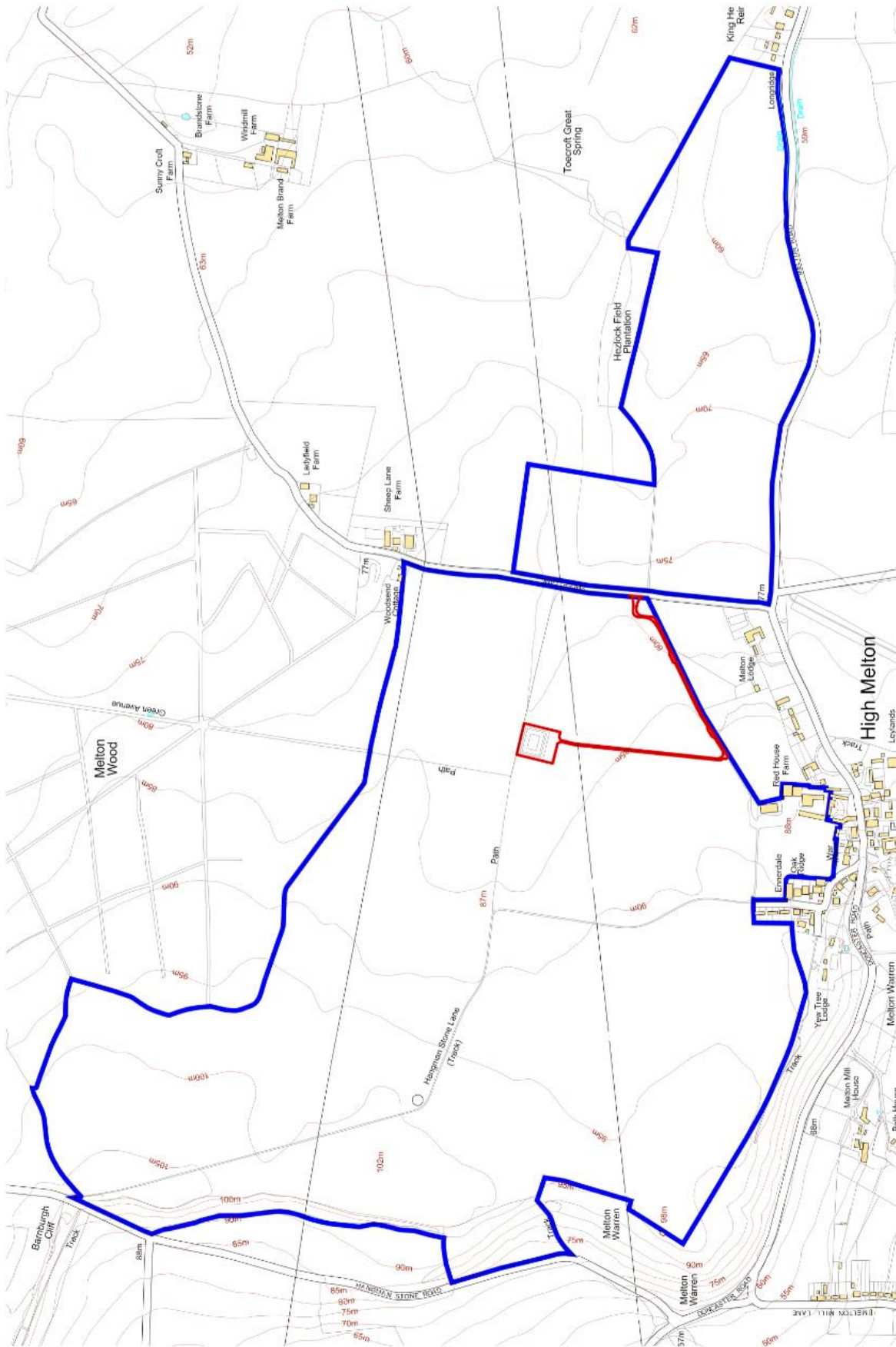
to ensure the access is adequate for delivery vehicles, details and enhancements to the odour management plan.

The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

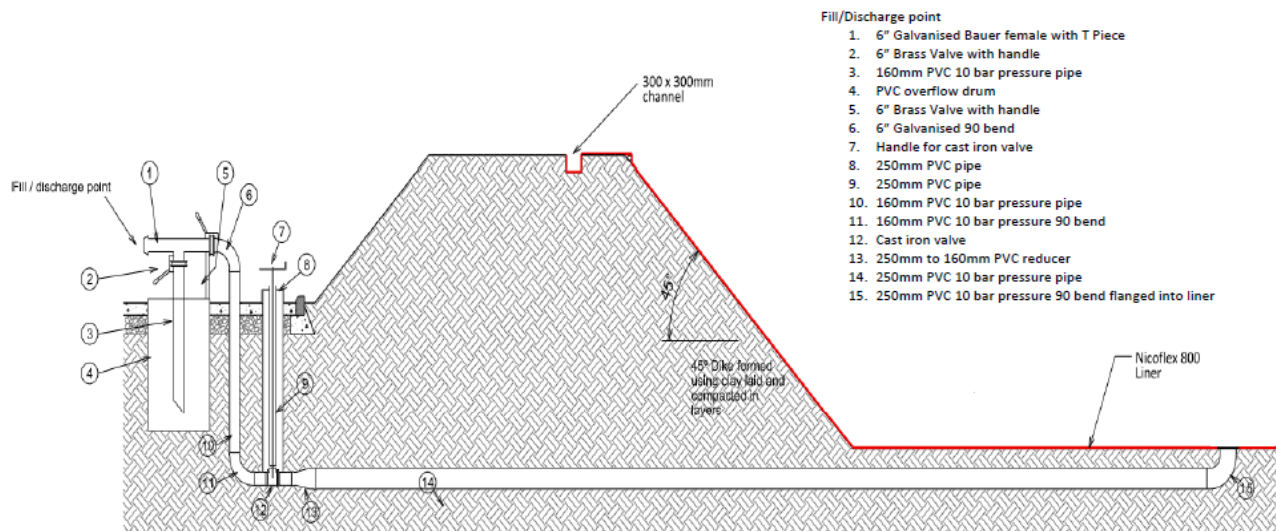
Appendix 1 Land area



Appendix 3: Location Plan



Appendix 4 - Cross section



Appendix 5

Extract from 'Brief Note: Clarification on land served by the proposed lagoon.- Earthcare technical'

Table 1 Land use over the previous 4 years at Red House Farm and timing of application

Crops grown	Field area (ha)				Timing of application
	2020	2021	2022	2023	
Grass cut for haylage and hay	57.89	45.22	56.84	30.53	Mar-Aug
Fodder beet	15.73	21.35	6.81	19.57	Feb-Mar
Winter wheat	112.67	111.54	74.46	77.71	Feb-Mar
Oilseed rape	0	8.18	48.18	58.48	Aug and Feb-Mar
Total	186.3	186.3	186.3	186.3	



Appeal Decision

Inquiry Held on 27 & 28 July 2021

Site visit made on 4 August 2021

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021

Appeal Ref: APP/F4410/C/19/3222400

The land situate and known as land north of Hangman Stone Lane, High Melton, Doncaster

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Stewart Woolhouse against an enforcement notice issued by Doncaster Metropolitan Borough Council.
 - The enforcement notice was issued on 11 January 2019.
 - The breach of planning control as alleged in the notice is, without planning permission, the erection of a bladder tank.
 - The requirements of the notice are to dismantle the unauthorised bladder tank and remove the materials from the Land.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (c), (f), and (g) of the Town and Country Planning Act 1990 as amended.
-

Summary Decision: the appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out the Formal Decision below.

Procedural matters

- 1 The appeal as initially made included an appeal on ground (e) as set out in section 174(2) of the 1990 Act: namely that copies of the enforcement were not served as required by section 172 of that Act. The appeal on ground (e) was subsequently withdrawn at the Inquiry.

The Enforcement Notice

- 2 The breach of planning control as alleged in the notice, is without planning permission, the erection of a bladder tank.
- 3 In a Statement of Common Ground dated 11 June 2020 (SoCG), the parties agreed that the breach of planning control should more properly be described, in summary, as a mesh silo. I concur that the description set out in the SoCG is a more accurate description of the breach of planning control that has occurred than that set out in the enforcement notice, albeit the wording and construction is somewhat cumbersome. I shall therefore correct the notice to allege the breach of planning control set out in the SoCG, albeit with minor amendments to the wording and construction. Given that this description has been agreed by the appellant and the Council, no injustice would be caused by so doing.

<https://www.gov.uk/planning-inspectorate>

The appeal on ground (c)

- 4 The ground of appeal is that, in respect of any breach of planning control that may be constituted by the matters stated in the notice, those matters do not constitute a breach of planning control. An appeal on this ground is one of the 'legal' grounds of appeal, in which the burden of proof is on the appellant to show, on the balance of probability, that the matters alleged in the notice do not constitute a breach of planning control.
- 5 The meaning of development for the purposes of the 1990 Act is defined at section 55(1) of that Act as:

...the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any building or other land.
- 6 It is not contended that the mesh silo constitutes an engineering operation, and it is evidently not a mining or other operation¹. By elimination, the question before me is therefore whether the mesh silo constitutes a building operation for the purposes of section 55(1) of the 1990 Act. In that context, the approach of the Courts is to ask first whether what has been done has resulted in the erection of a 'building': if so, the Courts would need a great deal of persuading that the erection of it had not amounted to a building operation or other operation².
- 7 In *Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co Ltd* [1949] 1QB 385, subsequently endorsed by the Court of Appeal in *Skerritts of Nottingham Ltd v SSETR (No.2)* [2000] 2 EWCA Civ 5569, three primary factors were identified as decisive of what was a building: (i) size; (ii) permanence; and (iii) physical attachment. However, before considering these factors in detail, it is helpful to first describe the process by which the mesh silo arrived at its present position.
- 8 By reason of its dimensions when complete, the mesh silo was not delivered to the site as a single entity. In giving his evidence, the appellant explained that the mesh silo was delivered in component form to his farmyard. The components were then transported to the present position, where the mesh silo was installed over a period of five or six days by three or four staff members provided by the company that supplied it. The area on which the mesh silo was to be placed was excavated to form a shallow depression, in which was laid a pipe from which the mesh silo is filled with Digestate and Digestate is extracted³. That pipe runs from the centre of depression to a couple of metres beyond it, a distance of some 13 or 14 metres. The inner lining (that now holds the Digestate) was placed in that depression, and the pipe connected to the base of it. The galvanised steel mesh was then erected around the inner lining, each section being secured to the next by bolts. The top of the inner lining was overlaid on the rim of steel mesh, and affixed to it. The trench containing the pipe beyond the circumference of mesh silo was then infilled to a depth of approximately 0.6 metres (not with concrete).

¹ Other' operations may include, for example, such works as the formation of earth banks, where this was undertaken without the degree of preplanning and skill constituting engineering operations.

² *Barvis v SSE* [1971] 22 P&CR 710

³ "Digestate" is the product name of the PAS110 certified fertiliser stored in the mesh silo

- 9 Turning now to the three primary factors identified in *Cardiff Rating*, in terms of size the mesh silo is 3 metres high and 23 metres in diameter. It has a capacity of some 1,246 cubic metres and can hold some 1,200 m³ of Digestate. The Council calculate that the mesh silo has a plan area of 415.5m², the equivalent size of more than five average-sized new build bungalows. The mesh silo is visible from a distance of up to 1km away and, at closer quarters, is visually dominant. It is, in my judgment, as a matter of fact and degree a large structure.
- 10 The mesh silo was first brought to the site in or around December 2018, and has therefore been in situ now in excess of 2½ years. When full, the mesh silo holds some 1,200 tonnes of Digestate but even when empty it would in my judgment not be straightforward to remove it. That is evidenced by the stages involved in its original installation, the number of specialist personnel required to achieve that and the time taken to do so. The mesh silo has not been temporarily removed since first being installed: for example, during the closed season for spreading Digestate. Moreover, there is nothing in the appellant's evidence to suggest that the intention is to move the mesh silo from place to place around the farm. To the contrary, much of the appellant's evidence related to having selected the location of the mesh silo as being the optimum to serve the farm unit as a whole. I consider that, as a matter of fact and degree, the mesh silo has a degree of permanence.
- 11 The mesh silo is not physically attached to the ground in terms of having foundations or being secured by stakes. The mesh silo rests on a series of pads and, in essence, is kept in place by its own weight. However, the pipe that runs beneath the mesh silo emerges some two metres or so beyond its circumference. Between those points, the pipe is buried to a depth of 0.6 metres. That pipe is an integral part of the mesh silo, being the principal means by which the mesh silo is filled with Digestate and the Digestate is then extracted. As such, as a matter of fact and degree, the subterranean location of that pipe constitutes physical attachment of the mesh silo to the ground.
- 12 In summary, I conclude that the mesh silo is a large structure which is physically attached to the ground and has a degree of permanence. It therefore exhibits all three of the primary factors identified in *Cardiff Rating*. Accordingly, in my judgment, the mesh silo should properly be considered to be a building.
- 13 The appellant maintains that the mesh silo is plant associated with the agricultural use of the land. The definition of "plant" relied upon by the appellant is that contained in the New Shorter Oxford Dictionary, which is:
- Machinery, fixtures, and apparatus used in an industrial or engineering process; a single machine or large piece of apparatus.*
- 14 The appellant maintains that the mesh silo would fall within that definition, given that farming is a process engaged in the production of food. In support of that, the appellant points to the fact that silos are treated as plant for the purpose of tax cases and that, in relation to a site at Bardsea Business Park, an Inspector found that plant does not have to be in a building⁴.

⁴ Ref: APP/M0933/X/00/1035902

- 15 I take the appellant's point that the mesh silo is part of a "process", in this case the process of applying Digestate to the soil on the appellant's farm that starts with delivery of Digestate to the farm and ends with the application of that digestate to the soil. The appellant's farm is clearly engaged in the production of food. But, on my reading of the definition of plant relied upon by the appellant, the key words are "industrial or engineering". Those words appear immediately before the word "process" in that definition, and must be read together with it. The word "or" between "industrial" and "engineering" serves to limit the scope to which the word "process" applies in that definition.
- 16 To my mind, neither the words industrial nor engineering properly apply to farming. Both words connote a manufacturing process, rather than the growing of crops. For that reason, I do not consider that the mesh silo can properly be regarded as being plant.
- 17 Furthermore, even if the mesh silo was considered to be plant, that does not necessarily mean that it would not also fall within the scope of the 1990 Act. The appeal decision in relation to the Bardsea Business Park demonstrates that point.
- 18 The appeal in relation to the Bardsea Business Park was against the decision of South Lakeland District Council to refuse to grant a Certificate of Lawfulness under section 191(1) of 1990 Act for the retention of an existing concrete batching plant. In dismissing the appeal, the Inspector concluded that a specific grant of planning permission was required for the concrete batching plant⁵. The obvious corollary of that conclusion can only be that the Inspector must have been satisfied that the concrete batching plant constituted development for the purposes of section 55(1) of the 1990 Act. As such, this appeal decision does not support the appellant's case: indeed, if anything, it tends to support the Council's case that the mesh silo is similarly development subject to control under the 1990 Act.
- 19 Having found that the mesh silo is a building, I am not persuaded by the appellant's evidence that the installation of it did not amount to a building operation. Indeed, the explanation given by the appellant of the process by which it was installed reinforces my view that it was a building operation. I conclude that the installation of the mesh silo constituted a building operation and as such constitutes development for the purposes of section 55(1) of the 1990 Act.
- 20 Section 57(1) of the 1990 Act provides that planning permission is required for development. It was agreed in the SoCG that, if the mesh silo is found to be a building, then a Prior Approval Application under Condition A2 (2) Class A Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 was required. No prior approval application was submitted, and there is no provision for Prior Approval to be submitted retrospectively. It follows that no planning permission is in place for the mesh silo, but that planning permission is required for it. I conclude that the matters stated in the notice do constitute a breach of planning control.
- 21 Accordingly, the appeal on ground (c) fails.

⁵ Paragraph 7 of the Inspector's Decision

The appeal on Ground (a) and the deemed planning application

- 22 The ground of appeal is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.
- 23 The appeal site is within the Green Belt. The Council has stated one substantive reason for issuing the enforcement notice from which the main issues raised are:
- Whether the breach of planning control alleged in the notice is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (Framework), and
 - the effect of the development on the character and appearance of the area.

Whether the breach of planning control alleged in the notice is inappropriate development in the Green Belt

- 24 The mesh silo is a building used for the purposes of agriculture. Although initially cited as one of the reasons for issuing the notice, it was subsequently agreed in the SoCG that agricultural buildings are not inappropriate development as expressed in paragraph 149 of the Framework. I see no reason to take a different view.

Character and appearance

- 25 The appeal site is positioned on an elevated limestone plateau to the north of the Dearne Valley. The appeal site is located about 1km to the north-west of the settlement of High Malton, and approximately 0.4km to the south-west of Melton Wood Country Park.
- 26 The Council has commissioned a Landscape & Visual Impact Assessment (LVIA) to inform its evidence at the Inquiry. The LVIA has been produced in accordance with the principles established in 'The Guidelines for Landscape and Visual Impact Assessment', 3rd Edition (GLVIA3) produced by the Landscape Institute and the Institute for Environmental Management and Assessment. The appellant has not questioned the methodology of the LVIA produced by the Council. I see no reason to take a different view but, for the reasons set out below, I do take issue with some of the conclusions within it.
- 27 The Baseline for the LVIA notes that the mesh silo is situated at an elevation of approximately 98m AOD, meaning that it is situated close to the highest elevation in the surrounding landscape. From that point, the land falls away to the south and east, with Sheep Lane at an elevation some 20m lower than the mesh silo. The LVIA notes that the mesh silo sits within an open tract of arable farmland, and that there is no other vegetation within the immediate vicinity. To the north-east, Melton Wood is a significant block of mixed deciduous and coniferous extending to over 100 hectares
- 28 Whilst there are no buildings within the immediate vicinity of the tank, the LVIA identifies two overhead electricity lines that pass through the landscape surrounding the mesh silo. The LVIA includes the Marr Wind Farm in the Baseline, the wind farm being situated approximately 1km to the north of the mesh silo.

- 29 At a national level, the site and the surrounding local landscape falls within National Character Area (NCA) 30 – Southern Magnesian Limestone. The key characteristics of that landscape designation include an open landscape offering long views of the lowlands to the east and west.
- 30 At a local level, the Landscape Character & Capacity Assessment of the Doncaster Borough (March 2007) identifies the appeal site as being within Landscape Character Type (LCT) C - Limestone Plateau. This broad LCT has been further subdivided into landscape character areas. The site of the mesh silo is situated within Landscape Character Area C2 - Cadeby to Adwick Limestone Plateau. The key characteristics of LCA C2 include a gently rolling landform dipping gently to the north and east; large scale intensive arable farmland; tree cover throughout, including areas of ancient woodland; public rights of way linking settlements; and very rural and tranquil in some areas.
- 31 The sensitivity of the landscape is assessed within the LVIA as being Medium/High. The mesh silo sits in an Area of Special Landscape Value (ASLV) as identified in the development plan for the area. Nevertheless, the overall conclusion of the LVIA is that this is a valued landscape, irrespective of the ASLV designation.
- 32 Having visited the site, I am not persuaded that the Baseline as described in the LVIA is an entirely accurate starting point from which to assess the impact of the mesh silo on the landscape. In my opinion, the LVIA significantly underplays the impact of the Marr Wind Farm on the landscape. Similarly, the electricity pylons that cross the appeal site. These substantial pieces of infrastructure do not undermine the character or quality of the landscape. But they are important features within it. I have therefore had this infrastructure very much in mind when considering the baseline against which the development must be assessed.
- 33 I also have some reservations about the emphasis placed in the LVIA on the tranquillity of this rural location. Although rural, the appeal site is a working farm. There is activity associated with this working landscape, including movements by vehicles and farm equipment. Some of that activity historically related to the previous use of bladder tanks for the storage of Digestate. Consequently, in relation to perceptual qualities of this landscape, activity levels on the appeal site should form a part of the baseline against which the development subject to the notice must be assessed. I am not convinced that the LVIA takes full account of that.
- 34 The framing of the reasons for issuing the notice also requires an understanding as to how the mesh silo is experienced by those who use the landscape. In that context, I am mindful that there are Public Rights of Way through the landscape. These Public Rights of Way are used primarily for recreational purposes. The LVIA considers the recreational users of these Public Rights of Way have high sensitivity to change. I concur with that assessment.
- 35 The mesh silo is designed for a specific purpose: to store and dispense bio-fertilizer. It is a functional design. The design is consistent with the intended purpose of the building. The design and materials are to a high standard in the context of the intended purpose of the building. The area around the building is not landscaped in any way. Again, that is consistent with the purpose of the building and the need to gain access to it.

- 36 There is no denying that the mesh silo is an obvious feature in this landscape. It is clearly visible from Hangman Stone Lane where it leaves the residential properties at its southern end. It is clearly visible from the bridleway when exiting Melton Wood Country Park. It is visible from Sheep Lane and, in places, from Footpath High Melton No.4. In some views the mesh silo breaks the skyline. In others, it is viewed against a backdrop of trees. In all these views, the presence of the mesh silo in the landscape obviously increases as the viewer gets close to it. Given the sensitivity of this landscape to change, the introduction of the mesh silo into this landscape has undoubtedly changed it.
- 37 But that does not mean that the change is a harmful one. The mesh silo sits in a working agricultural landscape. It is a landscape which features large infrastructure: notably the Marr Wind Farm and the electricity pylons that cross the appeal site. The farmyard to Red House Farm is extensive and contains some substantial buildings. Although some distance from Red House Farm, the mesh silo is linked to that complex of buildings by a farm track. The mesh silo therefore reads as a building associated with Red House Farm and to the agricultural use of the land. As such, the mesh silo is absorbed into the receiving landscape and integrates with it.
- 38 Although the mesh silo does break the skyline in some views, where it does so the mesh silo is seen with trees and other vegetation to each side. These trees are of at the least the same height as the mesh silo, and in some cases higher than it. The skyline is already broken by these trees. As a result, the mesh silo is not unduly conspicuous or intrusive in the landscape.
- 39 For these reasons, I cannot accept the conclusion in the LVIA that the mesh silo appears incongruous with the nature of the receiving landscape, or that it appears discordant within views from identified visual receptors. It does not, in my view, have a Major adverse effect on the visual receptors using the public bridleways and footpaths that cross the appeal site. On the contrary, in my opinion the mesh silo sits comfortably in this working agricultural landscape.
- 40 I conclude that the mesh silo does not harm the character and appearance of the area. I therefore conclude that the breach of planning control alleged in the notice does not conflict with Policies CS3 CS14 of the Doncaster Council Core Strategy (Core Strategy), as well as Policies ENV3, ENV6 and ENV17 of the Doncaster Unitary Development Plan (UDP). These policies indicate, amongst other things, that within Areas of Special Landscape Value the protection and enhancement of the landscape will be the overriding factor in considering proposals for development. These policies go on to indicate that development will not be permitted where it fails to integrate with the landscape or would significantly detract from views across open countryside.
- 41 The Council is in the process of adopting the Doncaster Council Local Plan (Local Plan) which, when adopted, will replace the Core Strategy and the UDP. The Local Plan has reached an advanced stage of preparation with, following Examination, the Inspector's Report being published in June 2021. The Council is looking to adopt the Local Plan in September 2021. Paragraph 48 of the Framework confirms that the more advanced an emerging plan is in its preparation, the greater the weight that may be given to the policies within it.
- 42 Policy 33 of the emerging Local Plan states, amongst other things, that development will be permitted provided that it conserves, enhances and where

possible restores the landscape character and local distinctiveness. For the reasons set out above, the mesh silo conserves the character and appearance of the landscape. As such, the development accords with Policy 33 of the Local Plan. In accordance with paragraph 48 of the Framework, that is a material consideration to which I attach substantial weight.

- 43 Paragraph 174 of the Framework indicates that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The appeal site lies within the ASLV, a designation which connotes that the landscape is valued. The mesh silo does not harm this valued landscape. Accordingly, the breach of planning control accords with paragraph 174 of the Framework.

Other considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. I have found that the mesh silo accords with the development plan in relation to the reasons for issuing the notice. However, objections have been made to the development on other grounds: specifically, odour, the chemical composition of the Digestate and issues surrounding the delivery of the product. It is therefore necessary for me to consider whether the matters raised in those objections constitute material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan. It is, however, helpful to first put these objections into context by understanding the purpose and benefits of the Digestate that is stored in the mesh silo to the farming operation that takes place on the land.

Benefits of Digestate to the farming operation on the land

- 44 In his evidence, Mr Kirkham explained that Digestate is one of the products of anaerobic digestion. Digestate is certified under the biofertilizer certification scheme to PAS 110 standard. As such, it is not a waste material and does not require an environmental permit or exemption to be in place prior to application to land. Digestate is a valuable source of essential plant nutrients, such as nitrogen, phosphate and potash, and is low in potentially toxic elements. Mr Kirkham went on to explain that, because anaerobic digestion is a continual process, some means of storage for the Digestate is essential to enable the process of anaerobic digestion to continue. Having the storage facility on the farm itself means that when the time for application is appropriate the Digestate can be spread promptly, efficiently and above all accurately to the land.
- 45 It is Mr Kirkham's evidence that the requirement for the storage of Digestate on the farm is enhanced by the Environment Agency's interpretation of the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 (2018 Regulations). In summary, the Environment Agency's interpretation of the 2018 Regulations is that it is now an illegal act to apply any form of organic manure in the late summer- autumn period unless the crop has an established need for the nutrients contained within it in the autumn. As Mr Kirkham points out, this interpretation places a huge emphasis on the storage of organic manures for an extra period of time, typically the spring of the following year.

- 46 Conversely, if the application of the Digestate took place on the day of delivery, the application would take place over a much longer period due to the volumes of liquid involved. There would also be attendant logistical issues and application inaccuracies, both associated with having to return to from the point of delivery to the point of application more frequently. Within such a scenario, there would be a greater opportunity for poor application, prolonged exposure to odour and spillages.
- 47 Mr Kirkham explains that the yield potential for crops grown on the appellant's land is above the national average. Since the appellant began to use Digestate, the yields of crops grown has proven to be consistently greater than same crop grown on neighbouring land, of similar soil type and with the high standard of husbandry, but without the benefit of Digestate application. Mr Kirkham attributes that greater yield potential to the enhanced soil microbial activity resulting from the regular application of Digestate.
- 48 Other benefits resulting from the use of Digestate identified by Mr Kirkham include a significant reduction in inorganic fertiliser usage at Red House Farm, resulting in significant cost savings and reductions in greenhouse gas emissions. The evidence of Mr Kirkham was not challenged in technical terms and I found it to be compelling in terms of the benefits derived from using Digestate on the appellant's farm.

Odour

- 49 The first objection to the mesh silo relates to the odour given off by the Digestate. I noted at the site visit that odour of the Digestate was apparent when standing downwind of the mesh silo. It is an unpleasant smell. Nevertheless, at the time of site visit, the odour was confined to an area close to the mesh silo. I recognise that the odour may be stronger and travel further at other times; for example, when Digestate is being delivered to the mesh silo and being transferred into it from the tanker, and/or when the wind is stronger. In that context, I did note small patches of Digestate on the ground around the connection for the pipe into which the Digestate is fed.
- 50 However, I have no evidence to suggest that odour from the Digestate is a widespread problem: for example, there is no record of dates/times when local residents found the odour from the Digestate to be unacceptable. The number of objections on that ground is low. The closest residential properties are some distance away. The application of Digestate to land is a legitimate farming operation. The smell associated with fertilizers is associated with farming, and in that respect is not unexpected in this location. The appellant has also produced an Odour Management Policy for the spreading of Digestate on the land, which could be secured by the means of an appropriate planning condition. For all these reasons, I attach limited weight to the objections in relation to odour.

The chemical composition of the Digestate

- 51 As indicated above, Mr Kirkham confirmed that Digestate is certified under the biofertilizer certification scheme to PAS 110 standard. As indicated above, it is not a waste material and does not require an environmental permit or exemption to be in place prior to application to land. The odour given off by Digestate, whilst unpleasant, is not known to be noxious. A planning condition could be imposed to limiting the storage in the mesh silo to PAS110 accredited

products. For these reasons, I do not consider the chemical composition of Digestate to be a material consideration that weighs against the development.

Delivery of the Digestate

- 52 The appellant indicates that the average number of tanker movements delivering the Digestate would be approximately 208 per annum. This equates to just over 2 vehicle movements per day and is dictated by the maximum permissible quantity of bio fertiliser which can be applied on this block of land. The tankers access the mesh silo along the farm track and appellant uses a one-way system along that farm track.
- 53 The farm track is also a public right of way (Bridlepath High Melton No.1). I accept that there is the potential for conflict between the delivery tankers and walkers, cyclists and those riding/leading a horse on the bridlepath. The landscape is open, with good mutual visibility of approaching vehicles, walkers, cyclists and those riding/leading a horse. There would therefore be ample warning of an approaching tanker, and ample space to move out of the way by stepping off the bridlepath into the adjoining field. Accordingly, the risk to the public using the bridleway is low.
- 54 The more significant issue, it seems to me, is the times at which the deliveries are made to the mesh silo. It is indicated in representations that deliveries begin as early as 05:45 and continue as late as 21:00. Given the proximity of the bridlepath to the residential properties at the southern end of Hangman Stone Lane, I consider that vehicle movements at these times unacceptably detract from the living conditions enjoyed by the occupiers of those properties. However, the appellant proposes the submission of a traffic management plan to address this issue. The traffic management plan could also formalise the one-way system along the farm track, as well as seeking to address some of the other issues raised in representations: for example, mud on the road.
- 55 The submission of and subsequent adherence to a traffic management plan could be secured by a condition. Subject to such a condition, I am satisfied that the delivery of the Digestate to the mesh silo would not give rise to any unacceptable impacts.

Support for the development

- 56 A number of local residents support the retention of the mesh silo on the basis, amongst other things, that the farm will continue to use Digestate but through the less satisfactory method of storage in bladder tanks. Similarly, High Melton Parish Council supports the retention of the mesh silo, partly on the basis that it has a greater capacity and therefore requires less deliveries than the previously used bladder tanks. The Parish Council considers that this causes less disruption for residents, a view also held by some other local residents. The support expressed in these representations clearly weighs in support of the development.

Planning conditions

- 57 The Council provided a list of conditions that it would favour in the event that the appeal was allowed, and additional conditions were discussed at the Inquiry. It seems to me that conditions requiring the submission and approval of odour and traffic management plans, as well as a condition limiting the storage to PAS110 accredited products, could mitigate any harm in those

respects. Those conditions would be necessary to make the development acceptable in planning terms.

- 58 The other conditions discussed related to measures to mitigate the visual impact of the mesh silo. These conditions proposed planting around the mesh silo and painting the galvanised mesh a darker colour. However, whilst these measures might soften the appearance of the mesh silo to some extent, I have found the mesh silo to be acceptable within this landscape as it stands. Conditions requiring planting around the mesh silo and painting the galvanised mesh a darker colour would therefore not be necessary to make the mesh silo acceptable in planning terms.

Conclusion on the appeal on ground (a) and the deemed planning application

- 59 For the reasons set out above, the breach of planning control alleged in the notice accords with the development plan in relation to the main issues. I have not been advised of any material considerations of sufficient weight, either taken individually or cumulatively, to indicate that determination should be made otherwise than in accordance with the development plan. If anything, materials considerations relating to the benefits derived from using the Digestate and the support for proposal in some representations weigh in favour of granting planning permission.
- 60 Accordingly, I conclude that planning permission ought to be granted for the matters stated in the notice.

Conclusion

- 61 For the reasons given above, I conclude that the appeal should succeed on ground (a). I shall grant planning permission for the mesh silo as described in the notice as corrected. Because the appeal succeeds on ground (a), the appeals on grounds (f) and (g) do not fall to be considered.

Formal Decision

- 62 It is directed that the enforcement notice is corrected by:
- In paragraph 3 of the notice, delete the words "bladder tank" and substitute there the words "mesh silo in the position shown on the Plan attached to the notice with the dimensions of 3 metres high from the ground, and 23 metres in diameter with a capacity of 1,250 cubic metres incorporating associated pipework, the materials being galvanised steel mesh outer basket and black inner impermeable liner."
- 63 The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely a mesh silo in the position shown on the Plan attached to the notice with the dimensions of 3 metres high from the ground, and 23 metres in diameter with a capacity of 1,250 cubic metres incorporating associated pipework, the materials being galvanised steel mesh outer basket and black inner impermeable liner, at land situate and known as land north of Hangman Stone Lane, High Melton, Doncaster, subject to the following conditions:

1. Within 6 weeks of the date of this decision letter, an Odour Management Plan relating to the use of the mesh silo shall be submitted to the Local Planning Authority for approval. The use of the mesh silo shall thereafter be carried out in full accordance with the approved Odour Management Plan for the lifetime of the development.
2. Within 6 weeks of the date of this decision letter, a Traffic Management Plan shall be submitted to the Local Planning Authority for approval. The Traffic Management Plan shall include but not necessarily be limited to details of frequency and timing of deliveries of product to the mesh silo, and the routing of the vehicles delivering that product into and out of the farmstead. The deliveries of product to the mesh silo shall thereafter be carried out in full accordance with the agreed Traffic Management Plan for the lifetime of the development.
3. Unless agreed in writing with the Local Planning Authority, no material other than that which is PAS110 accredited (or equivalent) shall be stored in the mesh silo hereby approved.

Paul Freer
INSPECTOR

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Application	2.
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Application Number:	21/02115/FULM
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of 58 dwellings including formation of new access from Doncaster Road, landscaping and public open space
At:	Land South Of Doncaster Road Harlington Doncaster DN5 7JF

For:	Mr Richard Coy - Harron Homes
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Third Party Reps:	41 Letters of objection	Parish:	Barnburgh Parish Council
	Barnburgh/Harlington Parish Council has objected		
		Ward:	Sprotbrough

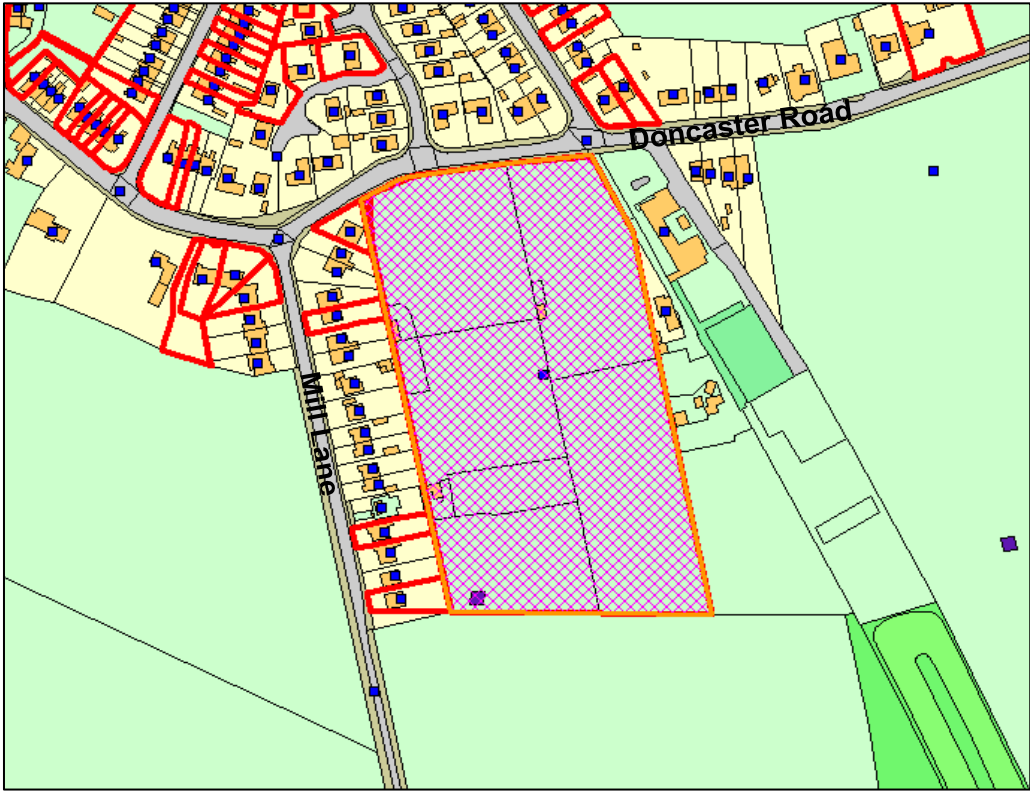
Author of Report:	Andrea Suddes
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SUMMARY

The proposal seeks permission for the erection of 58 dwellings, including the formation of a new access, landscaping and public open space. The proposal is considered to be acceptable in policy terms given the site is designated within the Local Plan as a Housing Development Allocation, Site allocation BH01: South of Doncaster Road, Harlington, with an indicative housing capacity of 66 dwellings. Overall the proposal is considered to be an acceptable and sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2021).

The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location. The development would not cause undue harm to neighbouring properties, heritage assets, the highway network or the wider character of the area.

RECOMMENDATION: Delegate Authority to the Head of Planning to GRANT planning permission subject to conditions and signing of a Section 106 Agreement.



1.0 Reason for Report

- 1.1 This application is being reported to planning committee due to the number of representations that have been received.

2.0 Proposal and Background

- 2.1 Planning permission is being sought for the erection of 58 dwellings including the formation of a new access, landscaping and public open space. The application originally sought permission for the erection of 61 houses however this number has been reduced following amendments to the scheme.

- 2.2 The site is allocated for housing within the Doncaster Local Plan, Site allocation BH01: South of Doncaster Road, Harlington with an indicative site capacity for 66 dwellings. The Local Plan allocation also includes Site Development Requirements at Appendix 2 for this site. The requirements highlighted at Appendix 2 (page 297) for this site include consideration of the following issues;

- Archaeology
- Biodiversity
- Compensatory Green Belt Improvements
- Design
- Education
- Public Open Space
- Transport
- Trees and Hedgerows

- 2.3 Pre application advice has been sought and provided on this proposal.

3.0 Site Description

- 3.1 Harlington and Barnburgh are both largely residential villages of similar size located some 9km west of Doncaster. The application site is located at the southern extent of the village of Harlington, which is in turn located just south of Barnburgh village.

- 3.2 The site is generally rectangular in shape being approximately 2.35ha in size and is currently undeveloped agricultural land. The site is relatively flat with a gentle slope from about 37.0 metres AOD on the western boundary to 39.0 metres AOD on the eastern boundary. There is a central hedgerow running from north to south, the length of the site. Boundary hedgerows and fences are to the north, east and west of the site. The site is bound by a wooden boundary fence to the south.

- 3.3 The Site is bound to the north by Doncaster Road, to the east by a single detached residential dwelling and associated access track, by further undeveloped agricultural land to the south and several residential dwellings fronting Mill Lane to the west.

- 3.4 At the south western corner of the site, there is an electricity pylon, with the cables running east to west.

4.0 Relevant Planning History

4.1 Application site history;

Application Reference	Proposal	Decision
20/01065/PREAPP	Residential development comprising 60 dwellings including associated access, layout and appearance.	Enquiry Closed 19.10.2020

5.0 Site Allocation

5.1 The site is allocated for housing as designated within the Doncaster Local Plan, Site allocation BH01: South of Doncaster Road, Harlington. The indicative capacity for housing within the site is shown to be approximately 66 dwellings. The proposal is for 58 units, which is an overall reduction of 12% of the potential development site.

5.2 National Planning Policy Framework (NPPF 2021)

5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:

5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption in favour of sustainable development. One of the three overarching objectives of the NPPF is to ensure a significant number and range of homes are provided to meet the needs of present and future generations (paragraph 8b).

5.6 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.7 Paragraph 47 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

5.8 Paragraph 55 of the NPPF states that planning authorities should consider whether unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

- 5.9 Paragraph 63 requires on site provision of affordable housing where a need is identified.
- 5.10 Paragraph 110 sets out that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 5.11 Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.12 Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 126).
- 5.13 Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 5.14 Paragraph 180 further states that when determining applications the LPA should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission.
- 5.15 Planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new developments and avoid noise giving rise to significant adverse impacts on health and the quality of life (para 185).

5.16 Local Plan

- 5.17 The site is allocated for housing within the Local Plan, Site allocation BH01: South of Doncaster Road, Harlington. This allocation is also accompanied with Developer Requirements set out at Appendix 2 of the Local Plan.
- 5.18 Policy 1 states that in Service towns and villages (including Barnburgh and Harlington), a good range of services is provided to meet local needs. To maintain and enhance their role as service towns and larger villages, they will need to provide housing, employment, retail and key services and facilities for the local area and will be a focus for accommodating an appropriate level of growth with priority given to renewing and regenerating run-down neighbourhoods. Additional growth on non-allocated sites within the development limits of the Service Towns and Villages will also be considered favourably.
- 5.19 Policy 1 should be read in conjunction with Policy 2 as this policy sets out the level of growth and states that the Local Plan's strategic aim is to facilitate the delivery of

at least 920 (net) new homes each year over the plan period (2018-2035) (15,640 net homes in total). Provision is to predominantly meet local housing need in each town and village with a total settlement allocation of 66 houses for Barnburgh and Harlington.

- 5.20 Policy 5 sets out housing allocations to deliver the housing requirement and distribution as set out in Policy 2. Allocations have been selected having regard to the Spatial Strategy and the findings of the site selection methodology. The site is allocated under Policy 5 for housing.
- 5.21 Policy 7 states that the delivery of a wider range and mix of housing types, sizes and tenures will be supported through the following:
- a) New housing developments will be required to deliver a mix of house sizes, types, prices, and tenures to address as appropriate the needs and market demand identified in the latest Housing Need Assessment;
 - b) Housing sites of 15 or more homes (or 0.5ha or above) will normally be expected to include 23% affordable homes in the borough's high value housing market areas or a lower requirement of 15% elsewhere in the borough (including starter homes which meet the definition) on site.
- 5.22 Policy 13 sets out that new development shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact to ensure that:
- a) access to the development can be made by a wide choice of transport modes, including walking, cycling, private vehicles and public transport;
 - b) site layouts and the street environment are designed to control traffic speed through an appropriate network and street hierarchy that promotes road safety for all;
 - c) walking and cycling are encouraged with the development and beyond, through the design of facilities and infrastructure within the site and provision of linkages to the wider network;
 - d) appropriate levels of parking provisions are made; and
 - e) existing highway and transport infrastructure is not adversely affected by new development. Where necessary, developers will be required to mitigate (or contribute towards) and predicted adverse effects on the highway network.
- 5.23 Policy 16 states that the needs of cyclists must be considered in relation to new development and in the design of highways and traffic management schemes to ensure safety and convenience. Provision for secure cycle parking facilities will be sought in new developments.
- 5.24 Policy 17 states that an increase in walking provision in Doncaster will be sought. Walking will be promoted as a means of active travel. Proposals will be supported which provide new or improved connections and routes, which enhance the existing network and address identified gaps within that network. The needs of pedestrians will be considered and prioritised in relation to new developments, in public realm improvements and in the design of highways and traffic management schemes.

- 5.25 Policy 21 sets out that all new housing and commercial development must provide connectivity to the Superfast Broadband network unless it can be clearly demonstrated that this is not possible.
- 5.26 Policy 28 deals with open space provision in new developments and states that proposals of 20 family dwellings or more will be supported which contribute 10 or 15 per cent of the site as on-site open space to benefit the development itself, or a commuted sum in lieu of this (especially where the site is close to a large area of open space).
- 5.27 Policy 30 seeks to protect sites and species of local, national and international importance and requires proposals to meet 10 per cent net gain for biodiversity.
- 5.28 Policy 32 states sets out that proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided.
- 5.29 Policy 41 sets out that imaginative design and development solutions will be encouraged to ensure that proposals respect and enhance identity, character and local distinctiveness. In all cases, proposals will need to demonstrate an understanding of the context, history, character and appearance of the site, neighbourhood and wider area, to inform the appropriate design approach.
- 5.30 Policy 42 states that high-quality development that reflects the principles of good urban design will be supported. Proposals for new development will be expected to follow a best practice design process and where appropriate, use established design tools to support good urban design.
- 5.31 Policy 43 C) requires edge of settlement developments or developments on the edge of countryside or Green Belt to provide suitable landscaping to soften the urban edge.
- 5.32 Policy 44 sets out that new housing will be supported where it responds positively to the context and character of existing areas and creates high quality residential environments through good design.
- 5.33 Policy 45 states that new housing proposals will be supported where they are designed to include sufficient space for the intended number of occupants and shall meet the Nationally Described Space Standard as a minimum.
- 5.34 Policy 48 states that development will be supported which protects landscape character, protects and enhances existing landscape features and provides a high quality, comprehensive hard and soft landscape scheme.
- 5.35 Policy 50 states that development will be required to contribute positively to creating high quality places that support and promote healthy communities and lifestyles, such as maximising access by walking and cycling.
- 5.36 Policy 52 states that where housing proposals of 20 or more family dwellings will create or exacerbate a shortfall in the number of local school places, mitigation will be required, either through an appropriate contribution to off-site provision or, in the case of larger sites, on-site provision.

- 5.37 Policy 54 sets out that where developments are likely to be exposed to pollution, they will only be permitted where it can be demonstrated that pollution can be avoided or where mitigation measures will minimise significantly harmful impacts to acceptable levels. This includes giving particular consideration to the presence of noise generating uses close to the site.
- 5.38 Policy 55 sets out criteria to mitigate against land contamination or land stability on development of land that is unstable, currently contaminated or suspected of being contaminated.
- 5.39 Policy 56 states that development sites must incorporate satisfactory measures for dealing with their drainage impacts, including the use of SuDS, to ensure waste water and surface water run-off are managed appropriately and to reduce flood risk to existing communities.
- 5.40 Policy 65 states that developer contributions will be sought to mitigate the impacts of development through direct provision on site, provision off site, and contributions towards softer interventions to ensure the benefits of the development are maximised by local communities.

5.41 Other material planning considerations

National Design Guide (Jan 2021)

- 5.42 The national design guide sets out the characteristics of well-designed places and demonstrates what good design means in practice to achieve a successful place.

Transitional Developer Guidance (April 2022)

- 5.43 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) have been formally revoked in line with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012, following the adoption of the Local Plan. The SPDs refer to superseded development plan policies and some provide guidance which is not in accordance with the new Local Plan. The Transitional Developer Guidance (April 2022) provides guidance on certain elements, including design, during the interim period, whilst new SPDs to support the adopted Local Plan are progressed and adopted. The Transitional Developer Guidance, Carr Lodge Design Code and the South Yorkshire Residential Design Guide (SYRDG), should be treated as informal guidance only as they are not formally adopted SPDs. These documents can be treated as material considerations in decision-making, but with only very limited weight. The Council have adopted a Biodiversity Net Gain Supplementary Planning Document in line with the Local Plan which attracts full weight.

National Planning Practice Guidance (ongoing)

- 5.44 The national design guide sets out the government's planning policies for England and how these are expected to be applied.

Other Council initiatives include:

- Doncaster Green Infrastructure Strategy 2014 – 2028
- Doncaster Masterplan

- Doncaster Delivering Together

5.45 Launched in September 2021, Doncaster Delivering Together (DDT) is the Council's new 10 year Strategy. DDT is about everyone being able to thrive and contribute to thriving communities and a thriving planet. This strategy does not form part of the adopted development plan but it is important that the policies of the Doncaster Local Plan achieve the aims and objectives of DDT strategy. The DDT has identified 8 priorities to deliver for Doncaster over the next ten years.

1. Tackling Climate Change
2. Developing the skills to thrive in life and work
3. Making Doncaster the best place to do business and create good jobs
4. Building opportunities for healthier, happier and longer lives for all
5. Creating safer, stronger, greener and cleaner communities where everyone belongs
6. Nurturing a child and family - friendly borough
7. Building transport and digital connections fit for the future
8. Promoting the borough and its cultural, sporting and heritage opportunities

5.46 The body of the report below reflects the planning considerations for the site. However, it is considered that the application would directly contribute towards the aims of DDT. The development would deliver a minimum of 10% net gain towards bio-diversity and a scheme of Green Belt improvements would be secured by legal agreement (1). The scheme would deliver open space areas, affordable housing with access to good quality housing which is safe and efficient. There would be opportunities to employ a local workforce during the construction phase (2, 3). The layout of the scheme would be safe and inclusive (4). The properties and layouts would meet nationally prescribed space standards with good access to external amenity space (4) and play areas suitable for children. There would be decent access to local services and primary school provision (5, 6). The development would have access to local public transport provision and the properties would benefit from gigabyte ready broadband connections (7). Finally, the urban extension would represent a suitable expansion of housing within Harlington and would be suitably landscaped to ensure it blends into the urban environment in this location (8).

5.47 Neighbourhood Plan

5.48 There is no Neighbourhood Plan for this area.

6.0 Representations

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, press advertisement and neighbour notification.

6.2 33 letters of objection were originally received however following re-consultation a further 8 objections have been received. These can be summarised as follows:

- Site is Green Belt and should not have been allocated for housing;
- Village cannot sustain increased population with increased pressure for school places, need for GP practise services, lack of shops etc.;
- Increased traffic on Doncaster Road;

- Increased pressure for parking;
- Environmental issues such as noise, litter, crime and wildlife protection;
- Loss of wildlife on the site;
- Site needs to meet Biodiversity Net Gain as site is rich in wildlife;
- Potential flooding issues on site as this field is known to flood;
- Lack of privacy for residents;
- Existing foul and surface water drainage problems will be exacerbated by the development;
- Proposed balancing pond presents danger for children;
- Raising of land levels will result in loss of privacy
- New housing will be out of keeping with the village;

7.0 Parish Council

7.1 Barnburgh and Harlington Parish Council has objected and raised queries with respect to the following;

- i) Increased traffic on the roads and the pressure the new development will place on road safety
- ii) Traffic calming measures required for the increased traffic from the development
- iii) Improvement of public transport to and from Harlington required
- iv) The site is a well-known flood plain but no mention of raising land levels for the properties
- v) Flood mitigation measures
- vi) What measures will be put in place to help with the number of school places?
- vii) What measures to improve GP and health facilities?

7.2 Relevant Consultations

7.3 **Area Manager** – No comments received.

7.4 **Trees and Hedgerows Officer** – No objections raised subject to mitigation by condition for a detailed hard and soft landscape scheme to be submitted and agreed.

7.5 **Highways (Transportation)** – No objections raised subject to mitigation by conditions for electric vehicle charging points and cycle parking to be provided within the curtilage of each dwelling.

7.6 **Highways DC** – Following a number of amendments no objections are raised subject to mitigation by conditions including submission of a construction traffic management plan and wheel wash facilities.

- 7.7 **Urban Design** – After a number of iterations no objection raised subject to inclusion of conditions for final materials to be agreed, details of boundary walls and fences, and a hard and soft landscaping scheme.
- 7.8 **Natural England** – No objections raised including consideration of the potential impact of the development on the Dearne Valley Wetlands SSSI.
- 7.9 **Pollution (Air Quality)** – No objections raised subject to conditions for electric vehicle charging points and Travel Plan to be submitted. However the size of this development negates the need for submission of a Travel Plan.
- 7.10 **Pollution (Land Contamination)** – No objection raised subject to condition for testing of any imported soils to ensure suitability for the proposed use.
- 7.11 **Strategic Housing** – No objections raised. The Council will be looking to purchase 5 affordable units plus requirement of a financial contribution of £506,838.48 towards affordable housing, to be secured via a Section 106 legal agreement.
- 7.12 **Public Health** – Overall no objections raised. A number of queries raised are addressed under other policy considerations with individual consultees.
- 7.13 **Environment Agency** – No objections raised, no conditions.
- 7.14 **Internal Drainage** – No objections raised subject to condition for full foul and surface water details to be submitted, and a drainage management and maintenance plan.
- 7.15 **Yorkshire Water** – No objections raised subject to mitigation by conditions for details of separate systems for foul and surface water and development in accordance with the submitted Flood Risk Assessment (FRA).
- 7.16 **Built Environment (Open Space Policy)** – No objections raised subject to conditions for details of play equipment and a financial contribution as a ‘top up’ to compensate for the shortfall in on site open space provision.
- 7.17 **Education** – No objection raised subject to financial contribution of £164,673.00 for 9 additional school places at Ridgewood School. This contribution will be secured via a Section 106 legal agreement.
- 7.18 **Local Plan (Housing)** – Supports the application in principle subject to other policy considerations as the site is within a housing allocation: Site BH01; South of Doncaster Road, Harlington.
- 7.19 **Superfast South Yorkshire** – No objections subject to inclusion of condition for installation of superfast broadband
- 7.20 **Public Rights of Way** – No objection raised as there are no recorded public rights of way affected by the proposed development.
- 7.21 **SYPT** – No response received.
- 7.22 **Local Plan (Flooding)** – No objection raised.

- 7.23 **Environmental Health (Noise)** – No objection raised subject to mitigation by condition for a construction method statement and construction impact management plan in order to safeguard the living conditions of neighbouring residents.
- 7.24 **South Yorkshire Archaeology Service (SYAS)** – The site has archaeological implications however, no objection raised subject to condition for submission of a written scheme of investigation that sets out a strategy for archaeological investigation and which includes preservation in situ of any identified features of importance.
- 7.25 **Ward Members** – No comments received.

8.0 Assessment

- 8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

- 8.2 The NPPF at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 8.3 This report considers the proposal against the Development Plan (Doncaster Local Plan, Joint Waste Plan), the relevant sections of the NPPF and the National Planning Practice Guidance.
- 8.4 The principal issues for consideration under this application are as follows:

- Principle of development;
 - Affordable Housing;
 - Impact on Residential Amenity;
 - Design and Impact on Character of Area;
 - Impact upon Highway Safety;
 - Ecology;
 - Flood Risk and Drainage;
 - Trees and Landscaping;
 - Section 106 Obligations; and;
 - Overall planning balance.
- 8.5 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited

- Little or no

Principle of Development

- 8.6 With regard to the principle of residential development on this site, the site is allocated for residential use as designated within the Doncaster Local Plan (LP) under allocation BH01: South of Doncaster Road, Harlington.
- 8.7 Barnburgh - Harlington is designated as a Service Village in accordance with Policy 1 of the Local Plan. Policy 1 states that to maintain and enhance their role as service towns and larger villages, they will need to provide housing, employment, retail and key services and facilities for the local area and will be a focus for accommodating an appropriate level of growth with priority given to renewing and regenerating run-down neighbourhoods.
- 8.8 Policy 2 further builds on this and sets out the strategic aim which is to facilitate the delivery of at least 920 (net) new homes each year over the plan period (2018-2035). Provision is to predominantly meet local housing need in each town and village with a total settlement allocation of houses.
- 8.9 Policy 5 relates to the delivery of the housing allocations set out in Policy 2 and identifies the site as a Housing Allocation without planning permission, Site Ref: BH01- South of Doncaster Road, Harlington with an indicative site capacity for 66 dwellings. Policy 5 states that housing allocations will be developed primarily for residential uses to help deliver the housing requirement, and will be developed having regard to both the specified developer requirements set out in Appendix 2 of the Local Plan, and the indicative number of new homes identified. It is important to note that the indicative number of dwellings within the Local Plan are not ceilings to quantum of development, which are to be more appropriately assessed at the detailed planning application stage. However, it does serve as a guide and it is important to note that proposals for lower density schemes can be supported where this would assist with the delivery of a better design solution. The scheme under consideration is below the indicative capacity but in doing so responds positively to the site constraints in terms of flood mitigation measures and the pylon located in the southwestern corner of the site.
- 8.10 Taking the above considerations into account (primarily that the site is an allocated residential site within the Local Plan; and the benefit of provision of housing (including policy compliant affordable housing) to meet Local Plan housing targets), it is considered that the site is capable of forming a sustainable residential development when assessed against Local Plan policy. The proposal is therefore acceptable in principle, subject to other policy considerations. This is considered to weigh substantially in favour of the application.
- 8.11 Objections have been received stating that this site should not have been allocated for housing as it is located within Green Belt. The question of the sites allocation is not material to this planning application. The site was both removed from the Green Belt and allocated for housing as part of the Local Plan process, and both the justification for the removal from the Green Belt and the allocation of sites, including representations made by the public related to this allocation, were assessed by the Planning Inspector at the Regulation 24 Examination stage of the Local Plan, who deemed the site to be justified and the plan to be sound.

Sustainability

- 8.12 The National Planning Policy Framework (NPPF, 2021) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.13 There are three strands to sustainability, social, environmental and economic. Para.10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

SOCIAL SUSTAINABILITY

- 8.14 Affordable Housing
- 8.15 Doncaster Local Plan Policy 7 relates to housing mix and affordable housing stating that new housing developments will be required to include a mix of house size, type, price and tenure to address the identified needs and market demand to support mixed communities. It further states that in terms of delivering affordable housing, on housing sites of 15 or more homes will normally be expected to include 23% affordable homes in the Borough's high value housing market areas. It further states that commuted sums in lieu of on-site affordable housing will only be accepted where this is robustly justified which would include where there is already an identified surplus of affordable housing in the community.
- 8.16 With regard to the need; the Strategic Housing team confirmed that there is some limited need for Affordable Housing in the Harlington area. Strategic Housing have also provisionally agreed to look to purchase the required affordable units on site following a formal RICS valuation process and internal calculations, with the remaining policy requirement requested as an off-site financial contribution.
- 8.17 Demand for Affordable Rented housing in Barnburgh and Harlington parish is low, with the requirement being specifically for 2 x 2 bed properties and 3 x 3 bed family properties. Therefore the scheme includes 2 x 2 bed (4 person) houses and 3 x 3 bed (5 person) houses as affordable housing along with an off-site financial contribution of £506,838.48 for the remaining requirement as detailed in paragraph 8.82 which sets out the Section 106 Obligations. The application therefore satisfies the requirements of Local Plan Policy 7.
- 8.18 Impact on Residential Amenity
- 8.19 Table 2 of the Transitional Developer Guidance (TDG) gives minimum separation distances that are applied for new residential development. 2-3 storey properties should have back to back distances (between facing habitable rooms) of no less than 21m, and front to front distance of no less than 12m, dependent upon the street hierarchy. Habitable room windows that overlook neighbouring garden space should normally be at least 10 metres from the boundary. Where a new property overlooks an existing garden these distances may need to be increased. Oblique or obscured

outlook from habitable room windows within 10m of the boundary may be allowed at the discretion of the case officer dependent upon site specific considerations. Where first floor habitable rooms face habitable rooms in a single storey dwelling, or the habitable rooms of two single storey dwellings face one another this separation distance may be reduced at the discretion of the case officer.

8.20 Objections have been raised regarding loss of amenity on account of overlooking. The scheme has been amended to address the overlooking issue that was raised early in the consideration process. Amendments were sought to ensure that there is no loss of amenity to existing residential properties to the west of the site on Mill Lane/Doncaster Road. Further amendments have also been sought to provide adequate separation distances between the existing bungalow to the east of the site (96 Doncaster Road) and Plots 41 and 42. In addition, the increased separation distances to existing dwelling (no 100 Doncaster Road) and Plots 53 and 54. The separation distances between the existing and proposed properties meet the standards set out in the Council's Guidance. Separation distances between houses within the proposed development also meet the Council's standards.

8.21 Objectors have raised issue with potential noise. Noise as a result of the development during the construction period is inevitable but will be controlled via inclusion of planning conditions to agree a construction method statement and a construction traffic management plan. However, once the development is occupied any noise issues will be dealt with under separate legislation and not under the planning regime.

8.22 Accessibility and Sustainability

8.23 As stated in para 8.4 of this report the LP defines Barnburgh/Harlington as a Service Village in that it provides a good range of services to meet its own needs and that of the local area. These settlements are a focus for accommodating an appropriate level of growth to meet their own local needs. Objections have been received stating that the site is not sustainably located and there will be an impact on health services, and school places which are already overstretched. With regards to education provision, an education contribution has been secured via S106 legal agreement as discussed later in this report.

8.24 The sustainability of all settlements within the Borough was considered in the preparation of the new Local Plan. As part of this, a Settlement Audit was undertaken early in the process and updated periodically to ensure the findings were still correct, with the last undertaken in 2020 prior to the Plan's submission. The Settlement Audit allowed the Council to target housing growth in the most sustainable locations – local and economic growth to larger and more sustainable settlements; local growth only to Service Towns and Villages such as Barnburgh – Harlington; no housing to smaller villages.

8.25 These decisions were based on the findings in the Settlement Audit. Barnburgh – Harlington was assessed as being sustainable for a small amount of housing growth, as it had some service provision, including key services such as a primary school and GP as well as a reasonably sized existing population. It is accepted the settlement is not as sustainable as larger settlements, which is reflected in its more modest housing allocation for the village. It is also worth noting that conversely, the influx of additional population to the area can help support existing services, and potentially drive the need for new services in the settlement.

- 8.26 This matter was assessed as part of the Local Plan examination, where the inspector reviewed all of the information available in order to check whether the plan was sound. He concluded that the Local Plan should be adopted (subject to modifications which were undertaken), and as part of this, that the methodology for selecting settlements for housing, and sites themselves within these settlements, was sound.
- 8.27 It should be noted that whilst planning applications can secure contributions towards any potential impact of the development, local NHS healthcare services are centrally funded with contracts being negotiated locally for by the South Yorkshire Integrated Care Board (ICB) for the provision of services. The funding which the ICB receives is calculated using a formula which takes into account population growth, using Office of National Statistics projected populations.
- 8.28 There is an important distinction to make therefore between the impact of the development on certain NHS services and other infrastructure. Essentially, the provision of NHS services and accounting for population growth and demand is funded through central government funding and direct taxation and not through a planning application. The site is allocated in the Local Plan, meaning external stakeholders have been consulted on the intended approach for housing growth in the area to allow forecasting to take place. The grant of planning permission would not prevent the ICB from seeking additional funding from NHS England to accommodate any population growth including the development in future settlement grants. Therefore, the healthcare infrastructure implications of any relevant proposed development have been considered in accordance with Policy 50.D.

8.29 Conclusion on Social Impacts.

- 8.30 In conclusion of the social impacts of the development, it is not considered that the impact of residential amenity will be adversely affect by the proposal subject to mitigation by conditions. It is accepted that the proposal would lead to some noise and disturbance being generated whilst construction is taking place, however this is considered to be short term when considered against the lifetime of the development. A planning condition is recommended for the submission of a construction impact management plan to be submitted and approved by the local planning authority to ensure that impacts are minimised. Significant weight should be attached to the provision of community benefits including the provision of POS and affordable housing.

ENVIRONMENTAL SUSTAINABILITY

8.31 Design and Impact upon the Character of the Area

- 8.32 Paragraph 130(a) of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, part (c) seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 8.33 In accordance with policy 41, the Design and Access Statement sets out the context, local character and appearance of the site, and whilst the ~~page 76~~ ^{site is} currently

undeveloped agricultural land the surrounding character is residential in nature and built up to the North and West of the site.

- 8.34 The density of the development proposes 27 dwellings per hectare. The number of dwellings proposed was initially 61 but has since been reduced to 58. Given that the site is identified as a housing allocation with an indicative site capacity for 66 dwellings, this falls somewhat short of the indicative 66 dwellings at allocations stage. The proposed density is therefore considered acceptable and in keeping with the character of the surrounding area
- 8.35 The site is also subject to Site Development Requirements at Appendix 2 of the Local Plan to enable the site to be brought forward for development. With regards to meeting design requirements, the expectation is that new development should front toward Doncaster Road echoing building lines opposite; new houses should back onto existing houses along the eastern and western edges with rear gardens locked together. Houses should also front southwards. A clearly defined site boundary should be formed on the southern boundary which will become a permanent boundary to the Green Belt. The design of the southern boundary also needs to take into account the electricity pylon on the southern boundary.
- 8.36 The proposed layout takes into account the Site Development Requirements and shows a single point of vehicular access from Doncaster Road with frontage properties fronting towards Doncaster Road. The access road forms a route of private drives and cul-de-sacs through to the south where there is an area of open space and play. Garden amenity areas of the proposed dwellings on the eastern and western boundaries back onto existing gardens. The scale of the frontage properties at two storeys is also in keeping with the type of housing that surrounds the site. Whilst single storey bungalows lie immediately opposite the site, the character of Doncaster Road comprises of both single and two storey dwelling houses therefore two storey houses proposed fronting Doncaster Road are considered acceptable.
- 8.37 When the application was first submitted, there were a number of design concerns raised about the scheme. These included too much frontage parking on parts of the site, lack of tree lined streets, loss of amenity as a result of overlooking, the unacceptable number of access drives onto Doncaster Road and the need for dual aspect properties at key points in the layout.
- 8.38 A number of amended plans were submitted to address all of these concerns. The number of houses was reduced by three which also addressed highway safety concerns regarding Plots 01-04 having individual direct access onto Doncaster Road. The amended plan now provides one single private access drive that will serve Plots 01-04. This amendment also addressed an overlooking issue between existing properties fronting Doncaster Road, Mill Lane, and Plots 08 and 09.
- 8.39 The local area to the west and north of the site comprises of predominantly well-established residential development that has differing approaches to style, appearance, scale and space around dwellings. The design of the proposed houses is acceptable, all properties are two storey in height which is considered appropriate for the location. There is a mix of 2, 3, and 4 bedroom properties within the scheme, providing a variety of properties to meet local demand. There are a number of different house type designs, however a cohesive theme exists throughout the development, such as white casement windows with reconstituted stone heads and cills and gable detailing. Objections have been raised that the new housing will be out of character with the village. Whilst the design of the dwellings is more

contemporary the proposed materials will comprise of stone, red brick with red or dark grey roof tiles which are traditional and in keeping with the village.

- 8.40 With respect to the housing design standards, Local Plan Policy 45 sets out a list of criteria A) to C) seeking to ensure that new housing proposals are designed to include sufficient space for the intended number of occupants. Criteria A) ensures that all homes are large enough for the intended number of occupants. All the proposed homes meet the requirements set out in the Nationally Described Space Standards. Criteria B) requiring provision of 65% of new homes on housing sites over 10 units to ensure that they can be easily adapted to meet existing and changing needs of residents, and Criteria C) which requires provision of wheelchair adaptable dwellings. The Council's Urban Design Officer has commented that in this respect the house types are policy compliant and go above the requirements of Policy 45 in some instances. (See Appendix 4 for house types).
- 8.41 A mixture of retained hedges and trees are proposed along the eastern and western boundary and with new boundary planting along the southern boundary to retain the green character of the adjacent Green Belt. This will provide a soft edge as a buffer between the proposed development and open Green Belt. This again is in accordance with the Site Development Requirements set out in the Local Plan. The Tree Officer is happy with the scheme as it will retain the green character along the southern boundary edge. Final design and finish of boundary treatments for the proposed boundary walls and fences within and around the site perimeter will be agreed via condition.
- 8.42 Local Plan Policy 21 requires all new housing to provide connectivity to the fastest available broadband technology. No details in this respect have been submitted to accompany this application, however these can be secured by condition.
- 8.43 An advisory informative note is also included for the developer to seek to implement security measures into the development in order to achieve the 'Secured By Design' accreditation from South Yorkshire Police in order to reduce potential for crime. The application therefore accords with policies 41, 42, 44 and 45 of the Local Plan and guidance set out in the NPPF.
- 8.44 Impact upon Highway Safety
- 8.45 Paragraph 111 of the NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 8.46 Safety and security of the highway is also one of the criteria set out in Local Plan Policy 13 to ensure that there are no negative effects upon highway safety or residual cumulative impacts on the road network. It also seeks to ensure that new developments provide the delivery of travel choice and sustainable opportunities for travel.
- 8.47 Objectors have raised concerns due to potential increased traffic on Doncaster Road and increased pressure for parking as a result of the development. A Transport Statement (TS) has been submitted with the application. As part of the TS, the trip generation on the highway network has been assessed which rightly just assesses the peak hours, which is the period of greatest impact on the highway network and shows that a total of 30 2-way trips and 28 2-way trips will be generated in the AM and PM Peak hours respectively. The exercise undertaken is deemed to be

acceptable, showing a maximum of one vehicle every 3-4 minutes. This impact is not considered severe and is therefore in accordance with NPPF Paragraph 111.

- 8.48 Objectors have also raised issue with the validity of the traffic data in that it was taken during the COVID period as it was taken during May 2021. National data from the Department for Transport national traffic data relating to transport use during COVID provides reference to the traffic situation during this period, and for the week of the survey at Harlington the traffic was 97% of what it would have been pre-COVID (compared to May 2019). 97% is within acceptable levels. It is also worthy of note that the traffic data is based on a higher number of proposed dwellings (61) and this number has since been reduced to 58.
- 8.49 A capacity assessment of the proposed site access has also been undertaken. This shows that the junction is forecast to operate within capacity in all modelled scenarios when the development is built out.
- 8.50 With regard to the layout of the scheme and the design of the access, the Highways Development Control Officer raises no objection to the scheme following amendment to the proposal and subject to conditions. There is one point of access proposed in to the site from Doncaster Road, with footway provision along the frontage of the site also to be provided.
- 8.51 Car parking provision on the site meets Local Plan policy requirements of 2 spaces per dwelling plus 1 visitor space per 4 dwellings. Therefore in terms of objectors concerns regarding increased pressure for parking, the development provides sufficient car parking provision on site to serve the future residents.
- 8.52 The development will attract the usual servicing requirements such as refuse collection. The development design and layout allows for all manoeuvres to take place within the site to accommodate this. Sufficient parking is provided for each plot together with adequate visitor parking. A requirement for EV charging points and cycle storage provision is sought via inclusion of planning conditions. The application therefore accords with policies 13, 16 and 17 of the Local Plan and guidance set out in the NPPF.
- 8.53 Ecology
- 8.54 Policy 30 of the Local Plan seeks to protect biodiversity and geodiversity. It lists a set of criteria for protection of nationally and locally important habitats, sites and species. It requires developments to assess the impacts of the development on such sites and to provide mitigation against any harms including delivering a net gain in biodiversity to offset any harms by using the DEFRA biodiversity metric.
- 8.55 The Council's Ecologist was satisfied with the submitted Preliminary Ecological Appraisal (PEA) report and the outcomes and recommendations of the report, commenting that it follows current best practice survey and appraisal methods. However he noted an omission of the Dearne Valley Wetlands SSSI which is less than 1 km away to the west and therefore this site falls within the Impact Risk Zones (IRZ's) of this statutory site. Notwithstanding this, Natural England (as a statutory consultee), has therefore been consulted and considers that the proposed development will not damage or destroy the interest features for which the Dearne Valley Wetlands SSSI has been notified and has raised no objection.

- 8.56 With regard to the site itself, it is an area of semi improved grassland forming a horse paddock with a central hedge splitting it into two large fields with some fencing further dividing it. The Council's Ecologist concurs with the PEA that the proposal land has been identified as having relatively low ecological value. The hedgerows are not species rich but will provide some opportunities for breeding and foraging birds. There were no protected species identified as using the site and no further surveys were identified as being necessary.
- 8.57 Objectors have raised issue that the site needs to meet biodiversity net gain as the site is rich in wildlife. As stated in paragraph 8.53 above, the Council's Ecologist is satisfied that the land has a relatively low ecological value. A DEFRA Metric Biodiversity Net Gain assessment as required by Local Plan Policy 30 B), has been submitted and shows a net gain in biodiversity. The on-site delivery of the habitat creations and enhancements required by the biodiversity net gain policy can be delivered through a condition that includes a 30 year commitment for establishment and management of habitats and hedgerows. Ecological enhancement features such as bat boxes can be delivered through an ecological enhancement condition. The application is thereby deemed to accord with local plan policy subject to mitigation by the inclusion of conditions as mentioned above.
- 8.58 Flood Risk and Drainage
- 8.59 The NPPF (section 14) sets strict tests using the sequential approach to protect people and property from flooding, that all local planning authorities are expected to follow. National Planning Practice Guidance also gives guidance to ensure that if there are better sites in terms of flood risk, or a proposed development cannot be made safe, it should not be permitted. Local Plan Policy 57 is the local interpretation of these policies and guidance that indicates acceptability of proposals for the purposes of flood risk management but will still be considered against the NPPF. As such, in accordance with the NPPF and Local Plan Policy 57, a site specific Flood Risk Assessment (FRA) has been submitted.
- 8.60 The proposal lies within a Housing Development Allocation BH01: South of Doncaster Road, Harlington in the Local Plan (adopted Sept 2021). At the time of the application submission, the site was located primarily within Flood Risk Zone 1 with a small area to the South that fell within FZ 2 as defined by the Environment Agency's Flood Maps. Therefore, in terms of flood risk, the site was sequentially tested using the Doncaster Strategic Flood Risk Assessment (SFRA) (Level 1, 2015) to inform the evidence based document for site allocations and was deemed to pass the sequential test. However since this allocation and the subsequent submission of the application, the flood risk maps have been updated and land to the south of the site now includes more flood zone 2. The site still lies mainly within Flood Zone 1 with part of the site now also within Flood Zone 2 (approx. 8-10 houses now lie within FZ 2 and where the public open space is proposed).
- 8.61 To accord with paragraph 162 of the NPPF and Local Plan Policy 57, a Sequential Test has therefore been requested and submitted, which assesses a number of sites within and surrounding the search area of Barnburgh and Harlington and concludes that there are no other reasonably available sites in areas of a lower probability of flooding. Officers concur with this assessment as the applicant has used the Council's Housing & Economic Land Availability Assessment 2018 (HELAA) to search for the availability of sites. All sites have been discounted therefore the application satisfies and passes the ST.

- 8.62 The proposal is for a less vulnerable use in FZ2, and as such, there is no requirement to carry out the Exception Test, but a site specific flood risk assessment is required to demonstrate the development and its users/occupiers will be safe for its lifetime, and that it will not exacerbate flood risk elsewhere etc.
- 8.63 Local Plan Policy 56 deals with drainage of a site and seeks to ensure waste water and surface water run-off are managed appropriately and to reduce flood risk to communities. A number of objectors have raised flooding concerns as the site is known to flood and also the pumping station on Mill Lane which lies adjacent to this site. The Environment Agency (EA), Yorkshire Water (YW), Drainage Board and CDC Drainage Team have been consulted on the proposal. Yorkshire Water has raised no issue with the capacity of the pumping station, commenting that any existing issues with overflow from foul sewage is an operational matter and not for consideration as part of this application. In addition, YW has also stated that records show only one recorded incident whereby a blockage resulted in a sewage escape at the pumping station. The blockage was cleared and the issue rectified. The Council's internal drainage team is the Lead Local Flood Authority and full details of foul and surface water disposal have not yet been agreed therefore these details will be secured by inclusion of conditions. However, having assessed the proposal they are satisfied with the proposed siting and location of the sustainable drainage (SuD's) solution on site, which includes the surface water run off to an attenuation tank/basin and forebay which are both located within the area of open space to the south of the site.
- 8.64 Concerns have been raised by objectors that the 'balancing pond' present a danger for children. For clarification, this refers to the attenuation basin and forebay as proposed on an earlier revision. Since then, the scheme has been amended and now proposes removal of the forebay and installation of a larger attenuation tank as shown at Appendix 3. Maintenance of the attenuation tank will be agreed by condition.
- 8.65 The EA has raised no objection commenting that FZ's 1 and 2 requires their standing advice which directs developers to set finished floor levels and flood resistance and resilience measures for that part of the site falling within FZ 2. Properties are not proposed within Flood Zone 3. The submitted FRA states that finished floor levels of properties within FZ 2 will need to be raised 600 mm to allow for the 1 in 1000 year event, flood zone 2 flood level is 15.85m (AOD), therefore the proposed finished floor level in Flood Zone 2 will be a minimum of 16.45m (AOD). Objectors have raised concerns over the raising of land levels and the potential loss of privacy due to overlooking that may result for some residents on Mill Lane. The difference in land levels has been fully considered by Officers and as a result separation distances are increased along with terracing to rear land levels on plots 20-23 to address this issue. Appendix 6 shows the difference in land levels via a cross section from nos 23, 25 and 27 Mill Lane to plots 19, 20, 21, 22 and 23. An advisory informative note is included for the applicant to register for the EA's floodline warning in case of flooding. Overall the application satisfies Local Plan Policies 56 and 57.
- 8.66 Trees and Landscaping
- 8.67 A Tree Survey was submitted with the application and the main constraints on site are the existing hedgerows on site which are protected for being "important" hedgerows under the archaeology and history criteria of The Hedgerows Regulations 1997 because they pre-date 1845 and as a result are "historic" site features.

8.68 These Regulations do not apply to any hedgerow within the curtilage of, or marking a boundary of the curtilage of, a dwelling-house. Which as a result of the development these will become, given that the principle of housing on this site is accepted as a result of its local plan housing allocation.

8.69 A way of retaining important hedges within a housing development, is to keep the hedges within the public realm, but on this site that is not feasible. As a result the hedges along the perimeter of the site may be lost once the dwellings are occupied due to the residents choosing to remove them. The proposal has made a fair attempt to incorporate the hedges within the design/layout of the site.

8.70 For the landscaping scheme, a detailed scheme will be secured via planning condition, but the indicative landscape masterplan scheme provided so far is acceptable. The proposal is below the council's target of one tree per dwelling, however this is a target and there are other considerations on this site. The application proposes avenue planting within the public realm within engineered tree pits, additionally the planting (due to being in the public realm) will be required to be planted at a larger size (i.e. large or medium species at semi-mature size (girth 20-25cm) or extra-heavy standard size (girth 16-18cm)) being bigger than the typical heavy standard size (girth 12 – 14cm). So it would be a case of quality over quantity, but it could be argued planting the trees at a larger nursery stock is equivalent to or at least closer to the 1 tree per dwelling target.

8.71 Policy 43 C) requires developments to soften the edge of development where it abuts countryside. In this instance the southern boundary abuts the Green Belt and open countryside. However due to the presence of Overhead Power Lines (OHL's) will prohibit a traditional shelter belt/screen planting along that boundary, because of the height restriction the OHL creates. Therefore, realistically this may be hedge and some small trees on that boundary. For the public open space area the presence of OHL's does limit planting to a degree as it limits woody planting within 2m of the tower and under the lines themselves. Planting either side would be not be large species but would be small species, with a mature height no lower than the height of the lines themselves. The application is therefore deemed to satisfy Local Plan policies 43 C) and Policy 48.

8.72 Other Issues

8.73 Objectors have raised other environmental issues such as litter and crime. Once the development is occupied littering issues will be dealt with under separate legislation and not the planning regime. Crime and the potential for crime has been considered as part of the application. The design of the layout of the scheme provides natural surveillance and through the provision of secure boundary treatments. South Yorkshire Police has also been consulted and who raise no objection but recommend the design of dwellings meets Secure By Design accreditation. However should other crime related issues occur on site post development, this will be dealt with by the Police.

8.74 **Conclusion on Environmental Issues**

8.75 Paragraph 8 c) of the NPPF (2021) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 8.76 In conclusion of the environmental issues, it is considered that there has been no significant issues raised which would weigh against the proposal that cannot be mitigated by condition. As such, significant weight can be attached to this in favour of the development.

ECONOMIC SUSTAINABILITY

- 8.77 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application.
- 8.78 On a wider level, additional housing will increase spending within the borough which is of further economic benefit in the long term.

8.79 SECTION 106 OBLIGATIONS

- 8.80 Paragraph 55 of the NPPF states that 'local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations'. Paragraph 57 states that 'planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms, (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development'.

Green Belt Compensation

- 8.81 The site was removed from the Green Belt upon the adoption of the new Local Plan in 2021. NPPF paragraph 142 states that Local Plans "should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land". Local Plan Policy 5 states that new housing allocations "will be developed having regard to both the specified developer requirements set out at Appendix 2". Within Appendix 2, the developer requirements for BH01 state that "As the site allocation results in the loss of Green Belt land, this must be compensated for by contributing to improving the environmental quality and accessibility of remaining Green Belt land within the vicinity of the site. Details of specific sites and projects will be established in discussion with the Council". Following these discussions, compensatory improvements amounting to £50,000 towards access and environmental improvements to remaining Green Belt land at Denaby Ings, and which have been identified as follows;

- Improvements to the permissive path:
 - Replacement of wooden bridge over Old Dearne for safety reasons
- Bed lowering of lake shore digger to remove reed bed and rhizomes to get back some of the open water as set out in SSSI condition assessment:

- Permits and modelling for working on lake and dumping silt onto arable in flood plain
- Digger to lower bed of lake
- Haulage of muck to adjacent arable land
- Plug plants of suitable fen species to improve the habitat
- Pollarding of old willows:
 - Arborist to climb and pollard old trees to prolong their life
 - Arisings to be chipped and/or burnt
- Wet woodland management:
 - Coppicing in the woodland to create more varied structure

Affordable Housing

8.82 In order to comply with Local Plan Policy 7 there would normally be a requirement for provision of 23% of the properties on site to be affordable housing. However, the Strategic Housing Officer has confirmed that there is limited need for Affordable Housing in the Harlington area. Therefore as agreed with Strategic Housing, five affordable housing units will be provided on this site and a financial contribution off-site for the remaining requirement which amounts to £506,838.48.

Public Open Space

8.83 Policy 28 of the Local Plan requires new development of 20+ units to provide 10 – 15% onsite open space. In this case, as the Harlington community profile area is deficient in 4/5 open space typologies, the requirement would be for 15% of the site to be delivered as open space. This should be useable onsite open space, including facilities for children’s play.

8.84 The developer has allocated 14.69% of the site as ‘useable’ open space. This incorporates a designated play space within a large area of open space. The on-site open space provision subsequently falls short of the policy requirement. A commuted sum amounting to £4,228 is therefore required to make up the difference. It is considered that this satisfies the provisions of Policy 28.

8.85 At the time of writing this report, local Ward Councillors and Neighbourhood Manager were still considering the most appropriate site for the POS commuted sum to be spent. A verbal update will be provided to Planning Committee. This will need to meet with the CIL tests and will be written into the final Section 106 Agreement which is recommended to be delegated to the Head of Planning to issue the decision, should Members resolve to approve the application.

8.86 There is an electricity pylon located in the south west corner of the site and within the open space area. In terms of ensuring safety for children or other users of the open space; following discussions with Northern Powergrid they have advised that the pylons already have anti climb guards on but further deterrents such as fencing or planting are acceptable subject to height. A detailed hard and soft landscaping scheme is included and secured via planning condition which will include provision for fencing around the pylon. They have also advised a “no kite flying” sign be provided on site. Northern Powergrid have also advised they will put the site on a

'register of interest' whereby the safety elements are inspected every 6 months. Advisory informative notes are therefore included for the applicant.

Education

8.87 A commuted sum of £164,673.00 is required to provide 9 secondary school places at Ridgewood Secondary School. No primary school places are required as there are sufficient spare places available at Barnburgh Primary School. This accords with Policy 52 of the Local Plan which states that "where housing proposals of more than 20 family dwellings will create or exacerbate a shortfall in the number of local school places, mitigation will be required, either through an appropriate contribution to off-site provision or, in the case of larger sites, on site provision."

8.88 Conclusion on Economy Issues

8.89 Para 8 a) of the NPPF (2021) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

8.90 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough and for that reason weighs in favour of the development.

9.0 PLANNING BALANCE & CONCLUSION

9.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal will develop and allocated site for housing and this is considered to weigh substantially in favour of the application. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.

9.2 The proposal is subject to a Section 106 Agreement which is considered to meet the requirements of the CIL tests, the fine details of which are still to be agreed. That said, the heads of terms and conditions necessary to make the development acceptable are clear and are outlined below. On this basis the application is recommended for approval.

10.0 RECOMMENDATION

10.1 DELEGATE AUTHORITY TO THE HEAD OF PLANNING TO GRANT PLANNING PERMISSION SUBJECT TO THE CONDITIONS BELOW AND FOLLOWING THE COMPLETION OF AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 IN RELATION TO THE FOLLOWING MATTERS;

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a) A commuted sum of £50,000 as Green Belt compensation

- b) Five affordable housing units will be provided on this site and a financial contribution off-site for the remaining requirement which amounts to £506,838.48.
- c) 14.69% on site POS (and Maintenance) and a commuted sum of £4,228 (0.31% of the site area) in lieu of POS
- d) A commuted sum of £164,673.00 towards the provision of school places at Ridgewood Secondary School

CONDITIONS/REASONS

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

AMENDED Site Layout Dwg 536-PL-001 Rev A-F

AMENDED Materials Layout Plan Dwg 536-PL-02 Rev G

AMENDED Landscape Masterplan (POS) Dwg R/2622/2D

AMENDED Landscape Masterplan Dwg R/2622/1F

Standard Tree with Soil Cells Dwg SD-T-57B

AMENDED 12/05/23 Tree Protection and Impacts Plan R3-3920220-AR03 Rev A

HOUSE TYPES

The Shackleford - Elevations NDSS 43 Additional Window Dwg No PL-SK-02

The Shackleford - Floor Plans Additional Window NDSSM43 Dwg No PL-SK-01

The Shackleford Floorplans NDSS M43 Dwg PL-SK-01

The Shackleford Elevations NDSS M43 Dwg PL-SK-02

The Shackleford M43 Review

The Bourton Elevations Dwg PL-BT-02 Rev B

The Bourton Floorplans Dwg PL-BT-01 Rev A

The Windslow Dwg PL-WN-01

The Brackley Dwg PL-BC-01

The Mawsley Dwg PL-MW-01

The Chearsley Dwg PL-CR-01

The Tidmington Floor Plans Dwg PL-TD-01

The Tidmington Elevations Dwg PL-TD-02

The Moreton Floorplans Dwg PL-MR-01
The Moreton Elevations Dwg PL-MR-02

The Faversham Dwg PL-FN-02
The Faversham Floorplans Dwg PL-FN-01

The Oakham Elevations Dwg PL-OA-02
The Oakham Floorplans Dwg PL-OA-01

The Shelford Floorplans Dwg PL-SF-01
The Shelford Elevations Dwg PL-SF-02

The Bayford Floorplans Dwg PL-BY-01
The Bayford Elevations Dwg PL-BY-02

The Empingham Floorplans Dwg PL-EM-01
The Empingham Elevations Dwg PL-EM-02

The Langford Floorplans Dwg PL-LG-01
The Langford Elevations Dwg PL-LG-02

AMENDED Site Cross Section Dwg PL-010 Rev G

REASON

To ensure that the development is carried out in accordance with the application as approved.

03. The development hereby granted shall not be begun until the following details of land drainage systems and related works necessary to drain the site have been submitted to and approved by the Local Planning Authority;
- o S104 agreement for the adoptable apparatus - or suitable evidence demonstrating ongoing discussions,
 - o Manhole schedule,
 - o Standard details of the proposed drainage infrastructure including access points for maintenance, IL & CL, cross sections & plan view and flow control features etc.,
 - o Updated hydraulic calculations (if applicable),
 - o Phasing plan (if applicable),
 - o Reasons for changes to any details from the previously submitted drainage strategy (if applicable), and
 - o 3rd party landowner agreements to allow the site to suitably drain.

REASON

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

04. Prior to the first occupation of the development hereby approved, details of the drainage management and maintenance plan shall be

submitted to and approved in writing by the Local Planning Authority. The drainage system for foul and surface water drainage shall be retained, managed and maintained for the lifetime of the development in accordance with the approved drainage management and maintenance plan.

REASON

To ensure the drainage apparatus of the site is adequately maintained for the lifetime of the development and to accord with Para. 169 c) of the NPPF (2021).

05. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be approved by the Local Planning Authority.

REASON

In the interest of satisfactory and sustainable drainage.

06. Prior to the commencement of development a 30 year adaptive Management and Monitoring Plan for proposed onsite habitats shall be submitted to the Local Planning Authority for approval in writing. The Management and Monitoring plan shall detail the following:
A 30 year adaptive management plan for the site detailing the management measures to be carried out in order to achieve the target conditions proposed for each habitat parcel in the Biodiversity Impact Assessment (BIA).

Objectives relating to the timescales in which it is expected progress towards meeting target habitat conditions will be achieved.

A commitment to adaptive management that allows a review of the management plan to be undertaken and changes implemented if agreed in writing by the LPA and if monitoring shows that progress towards target conditions is not progressing as set out in the agreed objectives.

That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 2, 3, 5, 10, 15, 20, 25 and 30) immediately following habitat creation. GIS files showing the current habitat condition of each habitat parcel will accompany each monitoring report.

The detailed scope of proposed monitoring reports including (but not exclusively), presence of any target species, date stamped photos accompanied by detailed site notes on the extent of growth and condition of habitats, notes on factors that could be hindering the progress towards proposed target condition, detailed recommendations on changes to the management actions for parcels where progress is not as planned.

Once approved in writing the management measures and monitoring plans shall be carried out as agreed.

REASON

To ensure the habitat creation on site and subsequent management measures are sufficient to deliver a net gain in biodiversity as required by Local Plan policy 30B the NPPF paragraph 174d.

07. An ecological enhancement plan based upon the recommendations in Section 6 of the Preliminary Ecological Appraisal Roots 3 Ref. R3-3920220-EC01 shall be implemented. This plan shall include all the details set out in section 6, all of which shall be implemented prior to the first occupation of the site. Photographic evidence of implementation shall be submitted to the local planning authority within two months of the first occupation.

REASON

To ensure the ecological interests of the site are maintained in accordance with Local Plan policy 29.

08. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filing and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

09. Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To ensure that all new housing and commercial developments provide connectivity to the fastest technically available Broadband network in line with the NPPF (para. 114) and Policy 21 of the Doncaster Local Plan.

10. The development shall be carried out in accordance with the details indicated within the submitted report, "Flood Risk Assessment prepared by Eastwood & Partners, dated 10 February 2023".

REASON

In the interest of satisfactory and sustainable drainage.

11. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and/or visitors to the development have been submitted to and approved in

writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

REASON

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy 13 of the Doncaster Local Plan.

12. Prior to the commencement of development and the signing of any S38 agreement, details of the proposed tree pits and utilities siting and alignments within the adoptable highway shall be submitted to and approved in writing by the Local Planning Authority. This shall include a detailed specification for tree pit construction that utilises either grass verges or a professionally recognised crate system construction to provide the minimum rooting volume set out in the Council's Transitional Developer Guidance and a load-bearing capacity equivalent to BS EN 124 2015 Class C250 for any paved surface above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation; a timescale of implementation, and where required a maintenance specification until trees are adopted by the Council.

Thereafter, the landscape scheme and utility design shall be implemented in full accordance with the approved details, with the crating system laid prior to any utilities. The Local Planning Authority shall be notified prior to the backfilling of any engineered tree pits to inspect and confirm compliance and within seven days of the completion of landscape works to inspect and approve practical completion in writing.

REASON

To ensure appropriate design of trees within the adoptable public highway and avoid any potential design conflicts with utilities to meet Local Plan Policy 48.

13. No development shall take place on the site until a detailed hard and soft landscape scheme based on the proposed landscape masterplan (Dwg R/2622/1F) has been submitted to and approved in writing by the Local Planning Authority. The hard landscape scheme shall include details of all external hard surfacing materials and adoptable highway finishes and footpaths through Public Open Space. The soft landscape scheme shall include a soft landscape plan; a schedule providing plant and tree numbers and details of the species, which shall comply with the Council's Transitional Developer Requirements Document, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; a detailed specification for tree pit construction for the trees within highway that utilises a professionally recognised method of construction to provide the minimum rooting volume set out in the Council's guidance and a load-bearing capacity equivalent to BS EN 124 2015 Class C250 for any paved surface

above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation and details of management and maintenance for a minimum of 5 years following practical completion of the landscape works. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion of any planting within public areas or adoptable highway within the site. Soft landscaping for any individual housing plot must be implemented in full accordance with the approved scheme, prior to occupation of the home.. Any part of the scheme which fails to achieve independence in the landscape, or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme.

REASON

In the interests of environmental quality and Local Plan policy 48.

14. Following the commencement of the development and before 30th September of every year during the implementation period (either phased or in full) and 5 year aftercare period, a 'Landscaping Implementation Report' shall be prepared by a suitably qualified landscape architect and / or contractor, and submitted by the developer to the Local Planning Authority in order to demonstrate that the landscaping has been carried out in full accordance with the approved landscaping details. The report should record the landscaping operations carried out on the land since the date of commencement, or previous report / aftercare meeting, and set out the intended operations for the next 12 months. It shall cover the following matters in particular, but not limited to, species, size, location, planting and aftercare specification, and be illustrated with evidence such as an overall progress summary, inspection site visit notes, a schedule of maintenance operations undertaken, before and after photos of any remedial plantings or completed works.

REASON

To ensure site landscaping works are undertaken as approved in accordance with Policy 48.

15. Prior to first occupation of the each of the dwellings listed below, Building Control Completion Certificates must be provided to the Local Planning Authority demonstrating that the specified optional requirements as set out in the Building Regulations 2010 (as amended) have been achieved for the following plots:

Plots 1-18, 21-54, 55-58 must meet Part M4(2) 'accessible and adaptable dwellings'.

Plots 19,20,55 must meet Part M4(3) 'wheelchair adaptable dwellings'.

REASON

To ensure compliance with the requirements of Local Plan Policy 45 to deliver the agreed accessible and adaptable homes

16. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary

marked out in a manner to be approved in writing by the local planning authority.

REASON

To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.

17. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.

REASON

To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.

18. Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

REASON

To ensure that adequate parking provision is retained on site.

19. Before the development is brought into use, the sight lines as shown on the approved Site Layout Dwg 536-PL-001 Rev A-F shall be rendered effective by removing or reducing the height of anything existing on the land hatched black on the said plan which obstructs visibility at any height greater than 900mm above the level of the near side channel line of the public highway. The visibility thus provided shall thereafter be maintained as such, unless otherwise approved in writing with the local planning authority.

REASON

In the interests of road safety and to provide and maintain adequate visibility.

20. The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the local planning authority.

REASON

To avoid damage to the verge.

21. The development shall not commence until a Construction Traffic Management Plan (CTMP) is submitted to and subsequently approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction phase. The CTMP shall contain information relating to (but not limited to):

- o Volumes and types of construction vehicles
- o identification of delivery routes;
- o identification of agreed access point
- o Contractors method for controlling construction traffic and adherence to routes
- o Size, route and numbers of abnormal loads
- o Swept path analysis (as required)
- o Construction Period

- o Temporary signage
- o Measures to control mud and dust being transferred to the public highway
- o Timing of deliveries

REASON

In the interests of road safety in accordance with Policy 13 of the Doncaster Local Plan.

22. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) - the parking of vehicles of site operatives and visitors
- ii) - loading and unloading of plant and materials
- iii) - storage of plant and materials used in constructing the development
- iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) - wheel washing facilities
- vi) - measures to control noise and the emission of dust and dirt during construction
- vii) - a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON

To safeguard the living conditions of neighbouring residents and in the interests of highway safety.

23. Prior to any construction works commencing on site, a Construction Impact Management Plan, indicating measures to be taken to mitigate the effects of the construction activity and associated vehicle movements upon the living conditions of neighbouring residents and highway safety shall be submitted to and approved by the Local Planning Authority. The mitigation measures shall include provision for the following:

- the limitation of noise,
- the means of enclosure of the construction sites, and any proposed external security lighting installation;
- the control of dust emissions; the control of deposition of mud or debris on the highway, and the routing of contractors' vehicles.

The mitigation measures so approved shall be carried out at all times during the construction of the development hereby approved.

REASON

To safeguard the living conditions of neighbouring residents.

24. The type and placement of play equipment, and safety surfacing shall be in accordance with details as approved on Dwg AMENDED Landscape Masterplan (POS) Dwg R/2622/2D, no later than 1 month of installation, the developer shall provide the Local Planning Authority with a management and maintenance plan for the play equipment that

provides for the future maintenance, repair and replacement of equipment for the lifetime of the development.

REASON

To ensure the delivery of appropriate 'fit for purpose' play provision within the Borough.

25. Within 1 month of the installation of the play equipment, the applicant will provide the Local Planning Authority with a copy of the post installation inspection certificate certifying the play equipment meets with European standards EN1176 and EN177. The inspection must be carried out by an independent RPII (Register of Play Equipment Safety Inspectors International) registered Playground Equipment Inspector, who is suitably experienced and trained for the task.

REASON

To ensure all equipped play areas meet with the relevant safety standards and are safe and accessible.

26. Part A (pre-commencement)
No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

The programme and method of site investigation and recording.
The requirement to seek preservation in situ of identified features of importance.

The programme for post-investigation assessment.

The provision to be made for analysis and reporting.

The provision to be made for publication and dissemination of the results.

The provision to be made for deposition of the archive created.

Nomination of a competent person/persons or organisation to undertake the works.

The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

REASON

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

Informatives

In order to discharge the conditions 03, 04, 05, the applicant is advised that they would be expected to submit information including but not limited to the following:

1. Surface water drainage plans should include the following:
 - Rainwater pipes, gullies and drainage channels including cover levels.
 - Inspection chambers, manholes and silt traps including cover and invert levels.
 - Pipe sizes, pipe materials, gradients and flow directions.
 - Soakaways, including size and material.
 - Typical inspection chamber / soakaway / silt trap and SW attenuation details.
 - Site ground levels and finished floor levels.

2. Surface Water Discharge from Greenfield Site:

The total surface water discharge from greenfield sites should be limited to green field run-off rates - up to 1 in 100 years storm + climate change. On site surface water attenuation will be required. If the greenfield run-off for a site is calculated at less than 2 l/s/ha then a minimum of 2 l/s can be used (subject to approval from the LPA)

3. On Site Surface Water Management:

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc. to demonstrate how the 100 year + 30% CC rainfall volumes will be controlled and accommodated.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway.

Guidance on flood pathways can be found in BS EN 752.

4. Written evidence is required from the sewerage undertaker to confirm any adoption agreements and discharge rates.

5. Where the site is at risk of flooding (Fluvial and Pluvial), details of place of refuge/evacuation should be considered and sign up to the Environment Agency Flood Warning Service.

6. Part of the proposed development is within the operating boundary of Danvm Drainage Commissioners, who should be consulted with regard to land drainage matters.

7. The written consent of the IDB may be required for any works on or near a watercourse.

8. The applicant shall submit for approval by the LPA prior to commencement of development, details indicating how additional surface water run-off from the site will be avoided during the construction works. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA before the commencement of any works leading to increased surface water run-off from site.

9. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable)

10. If the development is proposing to make a new highway drainage connection to an existing highway drainage system, detailed CCTV surveys and modelling of the existing highway drainage system will be required to determine the capability to accept additional flow. Discharge will be limited to greenfield run-off rates.

11. For major developments, the LPA is required to ensure there is a development management procedure order (Written Statement HCWA161) in place, which ensures there are suitable ongoing maintenance arrangements over the lifetime of the development. Options for SuDS adoption and maintenance include;

a) Adoption by Water and Sewerage Company (WSC) - The developer may enter into a section 104 agreement (Water Industry Act 1991) with the local WSC.

b) Adoption by Highways Authority - A SuDS system might be considered for inclusion in a S38 agreement (Highways Act 1980).

c) Vesting in a Public (Flood) Risk Management Authority (RMA). The public RMAs in Doncaster are the Council, Internal Drainage Boards and the Environment Agency. The Council, for the time being has decided not to consider entering into such an agreement.

d) Private Maintenance Arrangement. Provide all drainage management and maintenance plans for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime (e.g. signed Section 104 agreement).

12. Whereby a private maintenance arrangement is proposed and the development is unlikely to remain under single ownership or within a single curtilage over its lifetime a condition will require a satisfactory legal agreement to be drawn up to provide for inspection and maintenance of the proposed surface water drainage scheme. This legal agreement is required BEFORE the first occupation of any dwelling or building on the site. Over the lifetime of the development an agreement must include the following:

a) A detailed operational maintenance plan;

b) Physical access arrangements for maintenance, and establishment of legal rights of access in perpetuity, prior to the commencement of any phase of the development;

- c) A financial revenue plan clearly setting out how funding for maintenance is to be raised over the lifetime of the development;
- d) A whole life cost analysis for capital maintenance over the lifetime of the development. Any values should be based on the current HM Treasury Present Value (PV) Discount Rate. Assumptions about the expected useful life of materials should be included in any such analysis; and
- e) Details of financial surety to ensure long-term maintenance and capital maintenance costs of apparatus. It is for the developer to demonstrate that a suitable financial underwriting arrangement is in place.

02. **INFORMATIVE: FLOODLINE WARNING DIRECT**

At the time of this decision, the site has been identified as being within an area of medium or high flood risk, based on the Environment Agency's flood maps. Therefore, the applicant/occupants should consider registering for the Environment Agency's Floodline Warning Direct, by phoning Floodline on 0345 988 1188 . This is a free service that provides flood warnings direct by telephone, mobile, fax or paper. It also gives practical advice on preparing for a flood, and what to do if one happens. By getting an advanced warning it will allow protection measures to be implemented such as moving high value goods to an elevated level as well as evacuating people off site.

03. **INFORMATIVE: SECURE BY DESIGN**

The applicant is advised to seek to implement security measures into the development in order to achieve the 'Secured By Design' accreditation from South Yorkshire Police.

04. **INFORMATIVE: PYLON SIGNAGE**

The Applicant/Developer is advised that signage should be clearly displayed advising the public that no kite flying or fishing should take place in proximity of the electricity pylon.

05. **INFORMATIVE: NORTHERN POWERGRID REGISTER**

The Applicant/Developer is advised to contact Northern Powergrid to place the site on their register of interest to enable the site to be inspected every 6 months by Northern Powergrid to check the pylon is safe and up to expected standards.

06. **INFORMATIVE: Highway Works**

Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have a reinstatement category of 0, 1

or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans - Email: p.evans@doncaster.gov.uk or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with Fiona Horgan - Tel 01302 735097 or e-mail Fiona.Horgan@doncaster.gov.uk as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets.

Access arrangements including shared private drives should conform to Approved Document B Volume 1 Part B5 Sect. 11.2 - 11.5 inc. They should be constructed to withstand a minimum carrying capacity of 26 Tonnes without deflection.

The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud and debris on the highway is an offence under provisions of The Highways Act 1980.

07. **INFORMATIVE: TO BE READ IN ASSOCIATION WITH CONDITION 15 -PROVISION OF BUILDING CONTROL COMPLETIONCERTIFICATES**
Condition 15 may be partially discharged by the submission and approval of Completion Certificates for individual plots during a site build out. This condition will be fully discharged upon receipt of satisfactory Completion Certificates for all the plots stated within condition 15.

08. **INFORMATIVE: TO BE READ IN ASSOCIATION WITH CONDITION 12 - TREE PITS AND UTILITIES**
To minimise future conflict with utilities in new developments, where trees are proposed within the footway or highway build outs, the creation of a common utility enclosure with the necessary provisions for safely including both mains services and ducting should be considered in the utility design. This is preferably located adjacent to the property front boundary, under the footway, to facilitate service connections. The developer is to consider the requirements of National Joint Utilities Group guidance volume 4 with regard to the installation of trees and the required installation and maintenance of statutory undertakers apparatus. <http://streetworks.org.uk/wp-content/uploads/V4-Trees-Issue-2-16-11-2007.pdf>

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for

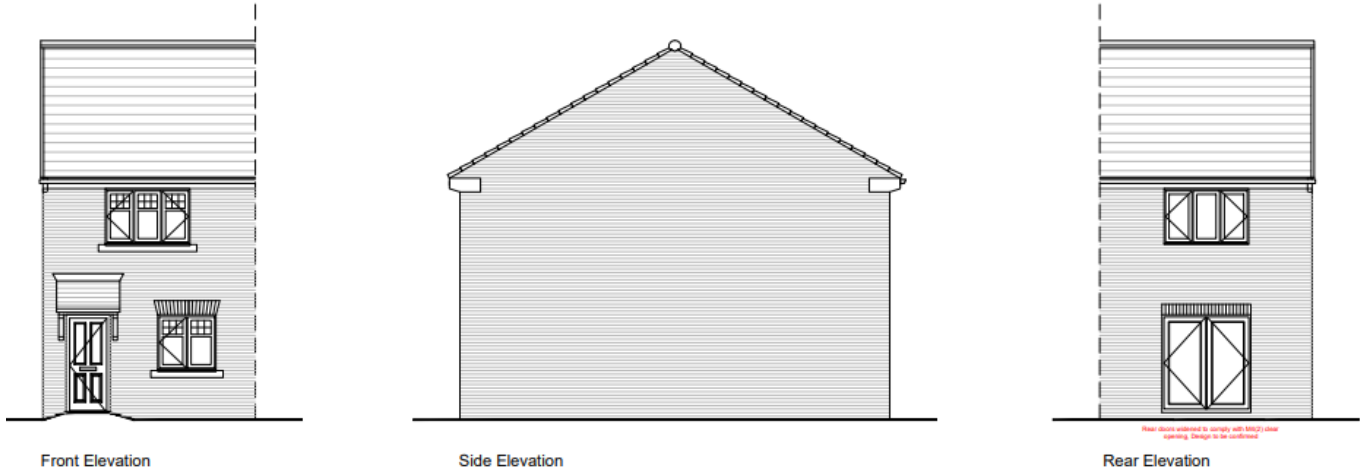
Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

APPENDIX 1 –Site Location Plan

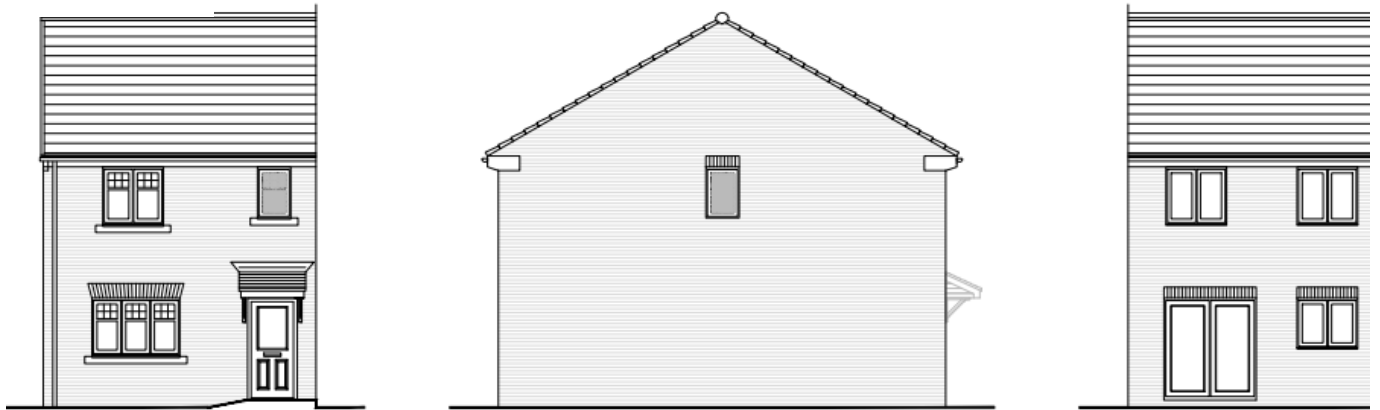


APPENDIX 4 – House Types

The Windslow (M4(2) 'accessible and adaptable dwellings')



The Brackley



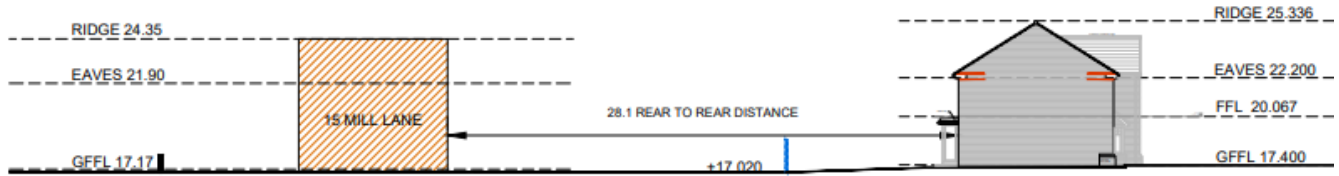
The Tidmington



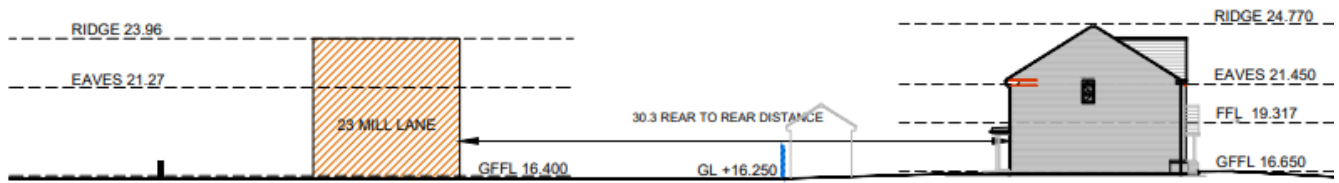
APPENDIX 5 - Proposed Streetscenes



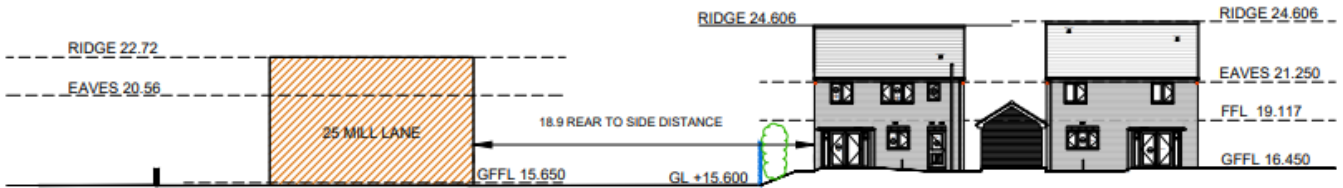
APPENDIX 6 - Cross Sections



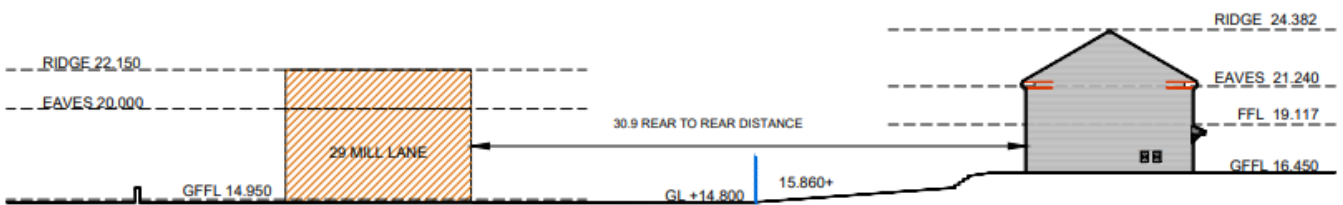
SECTION ALONG 15 MILL LANE TO PLOT 15



SECTION ALONG 23 MILL LANE TO PLOT 19



SECTION ALONG 25 MILL LANE TO PLOTS 20 & 21



SECTION ALONG 29 MILL LANE TO PLOTS 22 & 23

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Application	3.
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Application Number:	22/02202/FULM
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Application Type:	Planning FULL
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Proposal Description:	Erection of a new Medical Centre (Use Class E(e) with associated car parking and landscaping.
At:	Land South West Of West End Lane New Rossington Doncaster DN11 0PQ

For:	Ms Gillian Fairbrother - Doncaster Council
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Third Party Reps:	2 representations in opposition	Parish:	Rossington Parish Council
		Ward:	Rossington and Bawtry

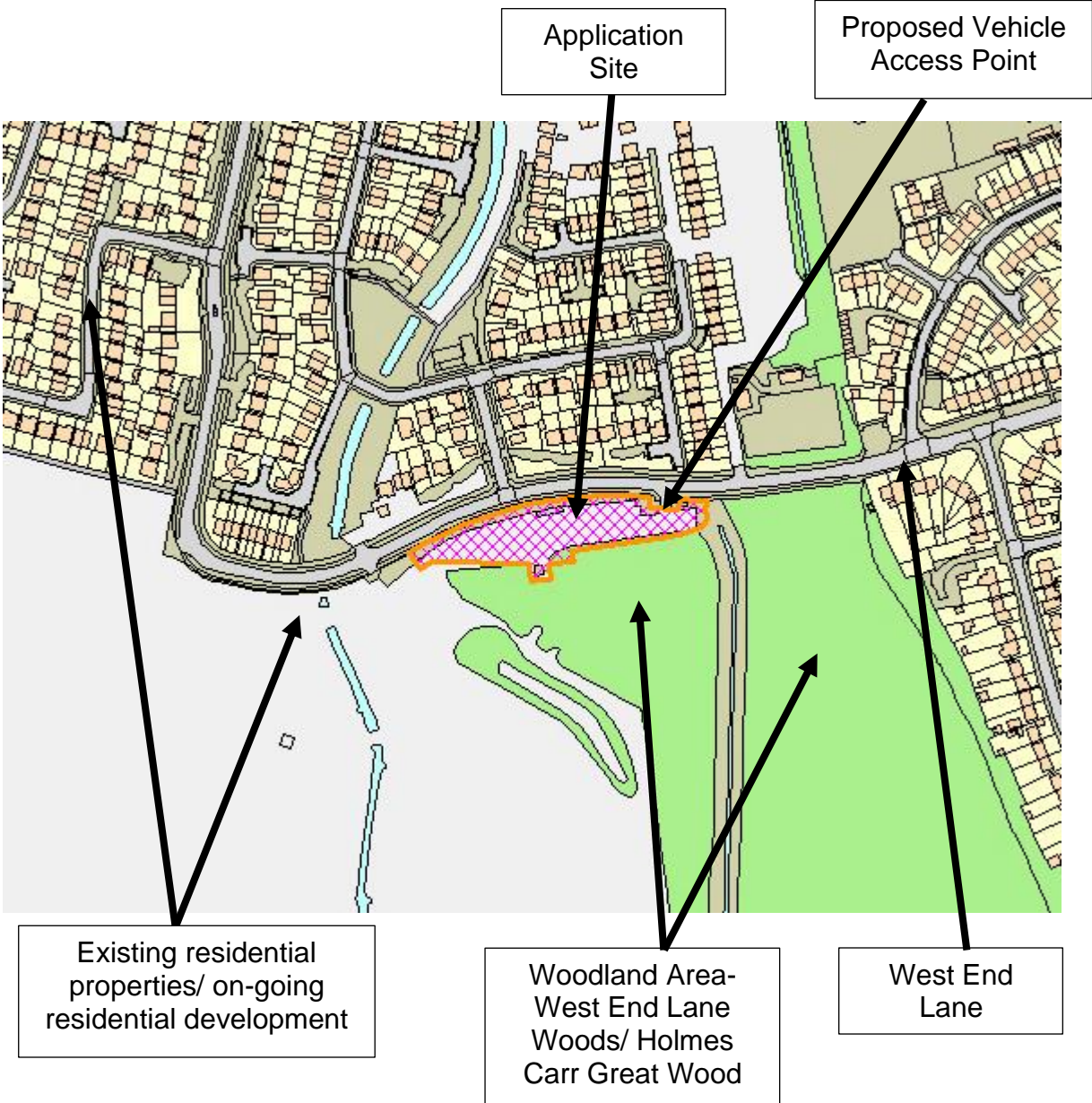
Author of Report:	Jessica Duffield
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SUMMARY

This application seeks permission for the erection of a new medical centre building with associated car parking and landscaping. The building will provide a combined facility for the two local existing GP surgeries - West End Clinic and the Rossington Practice. These surgeries were identified in the NHS Clinical Commissioning Group 2018 Estates Strategy as a priority for premises replacement/improvement. The new building will also provide additional space to accommodate the projected patient growth as a result of the ongoing housing development at this part of Rossington.

The application site is currently owned by Harworth Group but is in the process of being sold to City of Doncaster Council. In order to implement the relevant NHS funding, the receptor site must be in public ownership. This application was submitted to run parallel with the land transaction. Given the Council's involvement in the ownership of the land the application is to be presented to Planning Committee.

RECOMMENDATION: GRANT planning permission subject to conditions.



1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee due to the Council's involvement in the application and the funding of the proposal, with particular regard to the fact that the Council are in the process of purchasing the land from its current owner.

2.0 Proposal

- 2.1 This application seeks full planning permission for the erection of a part 2 storey/ part 3 storey building which is to be used as a medical centre (Use Class E(e)). The building will house both the two local existing surgery practices, merging both practices into one facility. Each of the two existing surgeries will have dedicated space as shown on the proposed floorplans meaning they will continue to operate independently of one another.
- 2.2 The building itself has a modern appearance, finished in a mixture of blue and cream render with red brick. The frontage of the building includes large windows and glazing as well as a canopy entrance foyer design.
- 2.3 The proposed development also includes the erection of associated parking and landscaping. A large car parking area will be located to the east of the building, accessed directly off West End Lane. The car park will also provide a cycle parking area and EV charging points.
- 2.4 The application site sits at a slightly lower ground level than West End Lane. Due to the level changes a sloped pedestrian access will be located immediately to the north of the building in addition to a second pedestrian pathway through the car park. A low boundary treatment to match that on the opposite of the road will be installed along the northern boundary.
- 2.5 The application site (along with the surrounding recent development) was originally granted outline planning permission ref: 12/01107/OUTA (dated: 1/10/2013) for a mixture of uses including housing; supermarket; hotel; restaurant and community building. Various phases of housing and commercial buildings have already come forward through reserved matters applications and are being built out, with some earlier phases fully completed. On the approved masterplan for the outline permission, the application site was earmarked as being developed for a new health centre. The proposal is therefore in accordance with that approved masterplan.

3.0 Site Description

- 3.1 The application site lies to the south of West End Lane in Rossington, which is a central spine road connecting Old Rossington with the Great Yorkshire Way. This part of Rossington has undergone major redevelopment in recent years, with various housing developments and commercial projects coming forward on what was the former colliery. New houses are located to the north and north-west of West End Lane with future phases still to be built to the east of

the application site. The surrounding character therefore consists of modern style housing and associated development.

- 3.2 The site itself lies between West End Lane and the wooded area to the south-east of the road, which is covered under TPO ref W1- Holme Carr Great Wood. The site is relatively narrow, stretching along the shape of the road and also benefits from being mostly flat in terms of topography. The vehicular access is already in place. The woodland area wraps around the south of the site.
- 3.3 To date the site has been enclosed by a 1.8m high close board fence with a double wooden gate at the main access along West End Lane. A palisade fence defines the southern boundary between the site and woodland. A pedestrian footpath runs alongside the northern boundary.
- 3.4 Given the provision of footpaths and the site's position on the central spine road, the site is considered to be well connected to the surrounding community in terms of pedestrian and bus links.
- 3.5 The site is within Flood Zone 1 thus at low risk of flooding from main rivers.

4.0 Relevant Planning History

4.1 Planning History for the application site as follows:

Reference	Description	Decision/Date
23/00300/REMM	Details of Landscaping, being a matter reserved in outline application 17/02958/FULM, granted on 27.07.2018	PENDING CONSIDERATION
22/01691/MAT	Non material amendment to alter the wording condition 30 and condition 6 of hybrid planning permission ref 17/02958/FULM	PLANNING PERMISISON NOT REQUIRED- 2/8/2022
17/02958/FULM	Section 73 application to vary outline condition 8 and full condition 3 of Application Reference Number: 12/01107/OUTA granted 01/10/2013	GRANTED SUBJECT TO S106 27/7/2018
15/01514/REM	Details of Access, Appearance, Landscaping, Layout and Scale of design for a pumping station and two electricity substations (being matters reserved in outline application previously granted permission under 12/01107/OUTA on 01.10.2013)	RESERVED MATTERS APPROVED – 23/12/2015
14/02187/WCCC	Excavation of existing colliery spoil heap for re-processing and export from site of recovered coal, including the construction of a coal washing plant, ancillary structures, temporary rail head, demolition of buildings at Rossington	GRANTED SUBJECT TO S106 – 7/11/2014

	Grange Farm and formation of a new landform by tipping on land to the south (with restoration back to new habitats and public open space) (without compliance with condition 14 of planning application 11/02305/MINA, granted on 17/04/2012, - permitted working hours).	
12/01107/OUTA	Hybrid planning application comprising: Outline application for the redevelopment of the former Rossington Colliery for a mixed use development comprising up to 1200 residential units (Use Class C3), local superstore (Use Class A1), hotel, (Use Class C1), restaurant (Use Class A3/A4), fast food outlet (Use Class A3/A5), petrol filling station with ancillary retail (Sui Generis), community building (Use Class D1) and land for new primary school. Full Planning Permission for the engineering operations related to remediation and associated earthworks and bunding to create development platforms at former Rossington Colliery, West End Lane, Rossington.	GRANTED SUJECT TO S106 – 1/10/2013
11/02305/MINA	Excavation of existing colliery spoil heap for re-processing and export from site of recovered coal, including the construction of a coal washing plant, ancillary structures, temporary rail head, demolition of buildings at Rossington Grange Farm and formation of a new landform by tipping on land to the south (with restoration back to new habitats and public open space).	GRANTED SUBJECT TO S106 - 17/4/2012

5.0 **Site Allocation**

5.1 The application site lies within the wider allocation for housing in the Local Plan (R0S01- Former Rossington Colliery).

5.2 **National Planning Policy Framework (NPPF) (2021)**

5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:

- 5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.5 Paragraphs 7-11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.6 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.7 Paragraph 47 reiterates that planning law requires applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.8 Paragraphs 55 and 56 state that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.9 Paragraph 20 states that strategic polices should set out an overall strategy to make sufficient provision for community facilities such as health infrastructure.
- 5.10 Paragraph 92 states planning decisions should aim to achieve healthy and inclusive places which: enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.
- 5.11 Paragraph 93 states that decisions should plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments. Decisions should also take into account and support the delivery of local strategies to improve health and social well-being for all sections of the community and guard against the unnecessary loss of valued facilities and services whilst ensuring that established facilities and services are able to develop and modernise to benefit the community.
- 5.12 Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.13 Paragraph 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable

development, creates better places in which to live and work and helps make development acceptable to communities.

- 5.14 Paragraph 130 states that planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site. Paragraph 127(f) sets out that planning decisions should create places which provide a high standard of amenity for existing and future users.
- 5.15 Paragraph 135 makes clear that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
- 5.16 Paragraph 174 states planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value (in a manner commensurate with their statutory status or identified quality in the development plan), as well as recognising the wider benefits from natural capital and ecosystem services, such as including trees and woodland.
- 5.17 Paragraph 185 states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 5.18 Local Plan
- 5.19 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Doncaster Local Plan (DLP) (adopted 2021), and the Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP) (adopted 2012).
- 5.20 Policy 1 sets out the Settlement Hierarchy for the Borough. It seeks to concentrate growth at the larger settlements of the Borough with remaining growth delivered elsewhere to support the function of other sustainable settlements and to help meet more local needs taking account of existing settlement size, demography, accessibility, facilities, issues and opportunities. In Defined Villages, development within their Development Limits will be considered against other policies of the Plan as shown on the Policies Map.
- 5.21 Policy 5 sets out housing allocations to deliver the housing requirement and distribution as set out in Policy 2. Allocations have been selected having regard to the Spatial Strategy and the findings of the site selection methodology. This site is allocated under Policy 5 for housing under reference: ROS01.

- 5.22 Policy 5 states that housing allocations will be primarily developed for residential uses though other uses will be permitted where they: are small scale and ancillary to housing; provide a service of other facility mainly for local residents and would not harm residential amenity or undermine the delivery of housing.
- 5.23 Policy 50 relates to Health and states the Council will improve and promote strong, vibrant and healthy communities by ensuring a high quality environment is provided with local services to support health, social and cultural wellbeing.
- 5.24 In order to help achieve this the Council will require: development to positively contribute to creating high quality places that support and promote healthy communities and lifestyles and that the healthcare infrastructure implications of any relevant proposed development have been considered and addressed when and where necessary.
- 5.25 Policy 51 relates to the protection of community facilities and states such uses should be retained unless alternative provision can be made on another site to the same or higher standard in terms of quantity, quality and community benefit.
- 5.26 Policy 41 relates to character and local distinctiveness and states that development proposals will be supported where they recognise and reinforce the character of local landscapes and building traditions; respond positively to their context, setting and existing site features as well as respecting and enhancing the character of the locality. Developments should integrate visually and functionally with the immediate and surrounding area at a street and plot scale.
- 5.27 Policy 42 relates to urban design and states that new development will be expected to optimise the potential of a site and make the most efficient use of land whilst responding to location, local character, and relevant spatial requirements and design standards.
- 5.28 Policy 46 relates to the design of non-residential developments and states that proposals will only be supported where they are designed to be sympathetic to local character; have no unacceptable effects upon the amenity of neighbouring land uses; promote accessibility and way-finding travel modes; and meet functional requirements whilst being architecturally appropriate with visually attractive elevations and well landscaped.
- 5.29 Policy 48 states that development will be supported which protects landscape character, protects and enhances existing landscape features and provides high quality hard and soft landscaping scheme which includes fit for purpose planting and generous trees, shrubs and hedgerow planting.
- 5.30 Policy 54 relates to pollution and states that consideration will be given to the impact on national air quality.
- 5.31 Policy 13 relates to promoting sustainable transport in new developments and states that access to developments should be made by a wide choice of

transport modes including walking, cycling, private car and public transport. Developments must provide appropriate levels of parking provision in accordance with the standards set out at Appendix 6 of the Local Plan.

- 5.32 Policy 30 relates to valuing biodiversity and geodiversity and advises that internationally, nationally, and locally important habitats, sites and species that will be protected through a number of principles. It requires the use of the mitigation hierarchy to ensure that the most valuable ecological features of a site are protected and harm to biodiversity is minimised. Part B states that proposals will only be supported where it demonstrate a delivery of at least 10% net gain for biodiversity.
- 5.33 Policy 55 deals with the need to mitigate any contamination on site.
- 5.34 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.35 Rossington Neighbourhood Plan
- 5.36 Rossington Neighbourhood Plan was adopted in May 2022 and forms part of the development plan for this application.
- 5.37 Policy R2 relates to protecting important community facilities and states proposal that result in the loss of a community facility will not be supported unless the building or facility is replaced by an equivalent or better provision in terms of quantity and quality and in an equally suitable location.
- 5.38 Policy R3 states development proposals to provide new or enhanced community facilities will be supported where they meet a local need; are in an easily accessible location and the siting, scale, design respects the character of the surrounding area.
- 5.39 Policy R12 relates to design and states that proposal must respect local character and should have regard to scale, siting, layout, density, massing, height, landscape, appearance, material, details and access; respect residential amenity and ensure that buildings are safe and secure.
- 5.40 Other material planning considerations
- 5.41 The Biodiversity Net Gain SPD was adopted in September 2022.
- 5.42 Doncaster Council's previous suite of other adopted Supplementary Planning Documents (SPDs) have been formally revoked in line with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012, following the adoption of the Local Plan.
- 5.43 The Transitional Developer Guidance (April 2022) provides guidance on certain elements, including design, during the interim period, whilst new SPDs to support the adopted Local Plan are progressed and adopted. This guidance is attached limited weight.

5.44 Other material considerations include:

- National Planning Practice Guidance (ongoing)
- National Design Guide (2019)
- Section 66 of the Planning (Listed Buildings and Conservation Areas) Act (1990)

5.45 Other Council initiatives include:

- Doncaster Green Infrastructure Strategy 2014 – 2028
- Doncaster Masterplan
- Doncaster Delivering Together

5.46 Launched in September 2021, Doncaster Delivering Together (DDT) is the Council's new 10 year Borough Strategy. DDT is about everyone being able to thrive and contribute to thriving communities and a thriving planet. This strategy does not form part of the adopted development plan but it is important that the policies of the Doncaster Local Plan achieve the aims and objectives of DDT strategy. The DDT has identified 8 priorities to deliver for Doncaster over the next ten years.

1. Tackling Climate Change
2. Developing the skills to thrive in life and work
3. Making Doncaster the best place to do business and create good jobs
4. Building opportunities for healthier, happier and longer lives for all
5. Creating safer, stronger, greener and cleaner communities where everyone belongs
6. Nurturing a child and family - friendly borough
7. Building transport and digital connections fit for the future
8. Promoting the borough and its cultural, sporting and heritage opportunities

5.47 The body of the report below reflects the planning considerations for the site. However, it is considered that the application would directly contribute towards the aims of DDT.

5.48 The development would deliver a minimum of 10% net gain towards bio-diversity in addition to the use of sustainable heating methods including air source heat pumps (1). The scheme will deliver much needed health services within close proximity to existing and growing communities, as well as offer new and modern facilities so that health professionals can provide high quality healthcare services for nearby residents (2, 3, 4). The development includes good quality landscaping as well as being well connected to the community through pedestrian and vehicle links meaning the site is easily accessible by local residents and families (5, 6). Additionally the site is well positioned in terms of public transport being on a main spine road which runs through the centre of Rossington (7). Finally, the application site is located in an established urban extension and will provide much needed health facilities in this key location (8).

6.0 Representations

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as follows:

- Advertised on the Council website
- All neighbours with an adjoining boundary notified by letter
- Site notice to advertise major application
- Local press advert

6.2 Two rounds of public consultation have been carried out to ensure that neighbours had the opportunity to comment on the updated plans submitted throughout the application. In total 2 neighbour representations have been received raising the following comments:

- The facility should be located in Old Rossington;
- Not located close to other services;
- Too far to walk from Old Rossington and Littleworth;
- The development should include an on-site pharmacy;
- Infrequent bus services;
- The proposal does not discourage car use;
- No crossing point on West End Lane;
- The community is too large to be served by one medical centre;
- Inconsistent public consultation;

6.3 In addition to the publicity carried out as part of the application assessment, the applicant/ developer has carried out their own public exhibition event on Tuesday 28th February 2023 at Rossington Miners Welfare Hall in which circa 50 local people attended. This event allowed members of public to view the amended plans.

7.0 Consultations

7.1 **Highway Officer** – The site plan has been amended to reflect the Highway Officer's comments as suggested in the comments dated 23/11/2022. Changes include alterations to the size and angle of the car parking spaces and the overall number of spaces provided within the car park (increased from 78 spaces to 83 spaces). An updated Transport Assessment and Travel Plan have also been provided to correct the slight typing error.

Overall the information submitted is very detailed and includes both patient and staff surveys at both practices. Appendix 6 of the Local Plan states that a development of this scale should provide 90 car parking spaces, however given the proximity of the application site to the nearby housing developments, a total of 83 spaces is considered to be acceptable and will not cause a significant safety risk to existing highway users. No objection subject to the conditions attached relating to parking to be retained (condition 4); surfacing (condition 3)

and the submission of a construction traffic management plan prior to the commencement (condition 5).

- 7.2 **Tree Officer-** A very good level of supporting technical information has been submitted, with the tree report providing an in depth explanation of the existing ground conditions and recent disturbances within the root protection areas of the woodland edge trees. The proposed planting scheme is acceptable though appropriate tree protection measures are still required. No objection subject to the conditions relating to tree protection (condition 6) and implementation of the landscaping scheme (condition 21).
- 7.3 **Drainage Officer** – Initially objected to the development due to insufficient information being submitted with the application. All the relevant plans/reports which have now been provided and the objection is removed based on the drainage layout and calculations submitted on 24/3/2023 in addition to written confirmation from the adjacent landowner accepting the crossing of land to the nearest watercourse. No objection to the development subject to the conditions attached relating the submission of additional information such as maintenance details; and exceedance flow routes (conditions 7 and 8). The SuDS condition proposed by the Drainage Officer is not considered to be relevant in this instance and has therefore been disregarded.
- 7.4 **Urban Design Officer** – The proposed plans have been amended following the Urban Design Officer's initial comments. Changes to the scheme include altering the position of the main entrance to the corner of the building, rather than it facing the car park. The boundary treatment along West End Lane has also been altered to match that to the north as well as amendments to the position of the cycle storage area and the submission of appropriate section drawings.

Following the submission of amended plans the Urban Design Officer is satisfied with the proposed development in terms of its appearance and contribution to the local character. No objection subject to conditions attached relating to landscaping (as provided by the Tree Officer) as well as material samples (condition 9) and accordance with the BREEAM pre-assessment (condition 10).

- 7.5 **Ecology Officer-** No objection based on the submitted surveys/reports. Section 4.4.4 of the submitted PEA refers to there being potential for amphibians (including Great Crested Newts-GCN) to be present within 250m of the application site, though the risk is low. On this basis a GCN licence will be required to provide legitimate cover for operations that may otherwise cause offences under wildlife legislation. The licence is to be obtained from Natural England upon planning permission being granted. A condition is attached relating to this (condition 11).

To ensure that any other species that could be encountered on site are fully considered, a construction environmental management plan will be required. A standalone document should be submitted containing all of the precautionary

measures and mitigation proposals as set out in the PEA. A condition is attached relating to this (condition 12).

A separate condition relating to lighting and the sensitivity of adjoining areas is also attached (condition 13).

The BNG assessment concludes an overall increase in BNG of 36.82% habitat units meaning the proposal is compliant with Local Plan policy 30 which requires +10%. A BNG management plan condition is attached to secure the on-site enhancements and its management. This must be submitted prior to the commencement of the development (condition 14).

- 7.6 **Environmental Health Officer-** No objections and no conditions required.
- 7.7 **Local Plan Community/Housing -** The application site is on land allocated for housing (ref: ROS01). However the approved site masterplan earmarked this area for a community building and/or health centre. On this basis there is no objection in terms of planning policy and such provision is vital for communities, especially ones such as this which are growing.
- 7.8 **Waste & Recycling Officer-** No objection to the development, the submitted plans show appropriate RCV tracking and indicate a large bin store to the rear of the building. Waste from the medical centre should be managed in accordance with HTM 07-01 and Commercial/Industrial Waste collections should be provided in line with duties set out at S34 Environmental Protection Act 1990.
- 7.9 **Pollution Control Officer-** No objection based on the submitted Phase 1 and Phase 2 investigations. Once developed the majority of the site will be hardstanding, however ground gas monitoring has identified some elevated carbon dioxide and depleted oxygen levels which is being investigated further. On this basis conditions are proposed relating to further surveys being submitted (conditions 15 and 16).
- 7.10 **Yorkshire Water-** Refer to Severn Trent Water.
- 7.11 **Investment Team-** No objections.
- 7.12 **Environment Agency-** No objections, no conditions required.
- 7.14 **Woodland Trust -** No response.
- 7.15 **Natural England –** No objection, the proposed development will not have a significant adverse impact on statutorily protected nature conservation sites or landscapes.
- 7.16 **Public Health-** No objection. Internal design features suggested though these are not controlled by planning.

- 7.17 **Transportation** – Cycle parking (condition 17) to be secured by condition as well as accordance with the travel plan (condition 18). The Transport Planner suggests exploring the possibilities of an additional bus stop being installed on West End Lane adjacent to the site. However following discussions with the applicant/highway consultant and given the lack of response from the South Yorkshire Passenger Transport Executive it was concluded that existing bus stops are located within walking distances of the development. No objections on this basis.
- 7.18 **Parish Council** - queries raised include the number of vehicle entrance and exit points; provision of a pedestrian crossing; inclusion of a pharmacy within the building; any provision of a community transport service across Rossington.
- 7.19 **South Yorkshire Passenger Service** – No formal response.
- 7.20 **Ward Members**- No response.
- 7.21 **Doncaster East Drainage Board**- No objection.
- 7.22 **Planning Policy Retail** – No objection in principle, however relevant conditions should be attached to ensure that the building remains as proposed for the intended purposes only and cannot be converted to other Class E/town centre uses such as shops or retail units. A condition is attached to this affect (condition 19).
- 7.23 **National Grid** – No objection.
- 7.24 **South Yorkshire Architectural Police Liaison Officer** – No objection, informative attached relating to the suggested security specifications to discourage crime.
- 7.25 **Highway Safety** – Queried the potential number of pedestrian movements though this has been resolved. No objection.
- 7.26 **Council Asset and Property** – No response.
- 7.27 **Northern Gas Networks**- No response.
- 7.28 **Severn Trent Water** – No response.
- 7.29 **South Yorkshire Archaeology Service** - archaeological potential is negligible and SYAS have no comments to make.

8.0 Assessment

- 8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that:

‘Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise’.

8.2 The National Planning Policy Framework (2021) at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

8.3 The main issues for consideration under this application are as follows:

- Principle of development
- Sustainability
- Impact upon residential amenity
- Provision of Community/Health Facilities
- Impact upon the character and appearance of the surrounding area
- Impact upon highway safety
- Trees and Landscaping
- Flood Risk and Drainage
- Air Pollution and Contaminated Land
- Archaeology
- Ecology
- Overall Planning Balance

8.4 For the purposes of considering the balance in this application, planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

The Principle of the Development

8.5 Policy 5 of the Doncaster Local Plan sets out Housing Allocations to deliver the housing requirement and distribution set out in Policy 2 of the Local Plan. The site is described as housing allocation “ROS01” in the Local Plan.

8.6 The principle of the development was established under the outline planning ref: 12/01107/OUTA whereby the approved masterplan earmarked the application site for community use/health centre facility.

8.7 Policy 5 states that housing allocations will be primarily developed for residential uses though other uses will be permitted where they provide a service of other facility mainly for local residents and would not harm

residential amenity or undermine the delivery of housing. The proposed development falls within the 'other uses' allowed permitted in housing allocations.

- 8.8 The application fully accords with policies 2 and 5 of the Local Plan and is given significant weight in favour of the application.

Sustainability

- 8.9 Paragraph 7 of the NPPF states that one of the core principles of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs
- 8.10 There are three strands to sustainability, social, environmental and economic. Para.10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

SOCIAL SUSTAINABILITY

Impact on neighbouring residential amenity

- 8.11 Policy 46(A) of the Doncaster Local Plan states: non-residential and commercial developments will be supported where they are designed to have no unacceptable negative effects upon the amenity of neighbouring land uses.
- 8.12 Residential properties are located directly to the north of the application site with housing also likely to forward to the west of the site through future phases. Nevertheless nearby neighbours are unlikely to be harmfully impacted by the proposal.
- 8.13 The building itself is centrally positioned within a relatively wide site meaning that there is sufficient separation distances between the medical centre and any properties which are to be built to the west.
- 8.14 To the north, West End Lane provides a buffer between the site and immediate neighbours, with the properties facing the application site being substantially set back from the highway edge. This means that there is separation distance of 37.6m between the proposed building and the nearest existing residential dwelling.
- 8.15 Given the significant distance between the building and the closest neighbours there is considered to be limited harm introduced through overshadowing or overlooking.
- 8.16 It is recognised that some disturbance associated with the frequent coming and going of vehicles may be created by the development which would particularly affect the occupiers of the properties nearest to the proposed

access point/ those on Furnace Close. However similar to above, those properties are positioned set back from West End Lane with a generous grass verge and planting providing an additional buffer.

- 8.17 Given that this site has always been earmarked for a medical centre/community use and lack of public representations it is considered that any disturbance caused by the uplift in vehicle movements at this access is limited. It is also important to highlight that the medical centre opening hours are unlikely to be during anti-social hours with the majority of patient appointments occurring during the day. The opening hours of the facility are controlled as per condition 20.
- 8.18 Overall the development would provide acceptable levels of adequate residential amenity in accordance with Local Plan Policy 46.

Provision of Community/Health Facilities

- 8.19 Policy 50 and Policy 51 of the Doncaster Local Plan both promote the development/protection of community facilities particularly those which encourage and support healthy lifestyles.
- 8.20 The development hereby proposed will increase the accessibility of health services for residents of New Rossington as well as provide improved/new facilities for the patients of the existing GP surgeries.
- 8.21 It is recognised that the proposed facility is located slightly further away from Old Rossington and the existing GP practices (discussed further below). However the application site is centrally located between both the older and newer parts of Rossington and will therefore be more accessible to wider range of residents. The building will replace existing GP buildings (both of which require significant improvement works) and will provide new and modern medical facilities and therefore encourage and support healthy wellbeing.
- 8.22 The proposed development therefore accords with Local Plan policies 50 and 51 and Neighbourhood Plan policies R2 and R3.
- 8.23 Conclusion on Social Impacts.**
- 8.24 It is not considered that the proposed development would detract from the residential amenity of any neighbouring residential properties or surrounding uses. The building is located an acceptable distance away from immediate neighbours and no concerns have been raised in regards to amenity.
- 8.25 The proposed development will replace two existing GP surgeries and provide new/modern medical facility for the wider Rossington community, which in turn increases the accessibility of health facilities and contributed towards social wellbeing and healthy lifestyles.

ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

- 8.26 Policies 41, 42, and 46 of the Doncaster Local Plan require development to be of a high quality design that contributes to local distinctiveness, respond positively to existing site features and integrate well with its immediate surroundings.
- 8.27 The proposed development consists of a part 2-storey, part 3-storey building which has a modern façade. The main entrance into the building has been repositioned following concerns raised by the Case Officer and the Urban Design Officer. Initially the main entrance faced onto the car park which meant the northern/West End Lane elevation was blank and uninviting. The amended scheme includes the entrance on the north-eastern corner, so that both pedestrians and vehicle users can clearly see the entrance when approaching the site.
- 8.28 The entrance corner is 2-storey and finished in red brick with a canopy feature with signage above. The east facing elevation includes large glazing and a mixture of cream and blue render which together creates a modern but welcoming façade. The generous use of glazing also means the internally the building will be filled with natural light which is considered to be important in clinical settings.
- 8.29 From West End Lane the northern elevation will be the most visible which is finished in a red brick and cream render with coloured glass panels. The coloured panels are a functional requirement as well as aesthetic, facilitating the option to alter the layout of the internal patient rooms in the future.
- 8.30 The ground level of the building is slightly lower than West End Lane, meaning the overall massing and bulkiness of the structure (which extends to 3-storey) will be less noticeable and will not appear to over-dominant the surrounding built form. The Urban Design Officer has worked with the applicant to ensure that the scheme includes appropriate landscaping along the northern boundary to mitigate any dominating impact. Soft landscaping will be added along this boundary as well as a parkland hoop style fence (similar to that on the opposite side of the road).
- 8.31 The western and southern elevations again include glazing and lots of windows to increase the availability of natural light internally.
- 8.32 Overall the development has a modern but functional character which will positively contribute to the appearance of the local area. The use of modern materials and styles such as large glazing, render and red brick, as well as the installation of similar boundary treatments, means the proposal will be in-keeping with the adjacent residential built form and help tie the development to its surroundings. The Urban Design Officer considers that the amended plans are acceptable subject to the conditions attached.

Impact upon highway safety

- 8.33 Policy 13(A) of the Doncaster Local Plan states that the Council will work with developers to ensure that appropriate levels of parking provision are made in accordance with the standards in Appendix 6 (criterion 4) and development does not result in unacceptable impacts on highway safety (criterion 6). Developments should also include provision for electric vehicle charging points (criterion 4).
- 8.34 The main vehicular access into the site will utilise the existing junction/access off West End Lane which was constructed as part of the road design. The access is positioned at the eastern end of the application site which connects to the generous car park.
- 8.35 The layout of the car park has been altered slightly following comments from the Highways DC Officer. As a result of the small changes the overall number of car parking spaces has increased to 83 spaces. The car park also includes a clear pedestrian route which connects to the footpath along West End Lane.
- 8.36 Disabled parking bays are to be positioned immediately adjacent to the medical centre entrance, with a cycle storage area also provided. EV charging points are to be positioned in the spaces along the southern boundary. Conditions are attached relating to the details/specifications of the cycle storage whilst Building Control Regulations Part S covers EV Charging points.
- 8.37 Policy 13 states that *'appropriate levels of parking provision are made in accordance with the standards contained within Appendix 6. A departure from these standards may be justified on a case by case basis.'*
- 8.38 Appendix 6 of the Local Plan sets out the minimum parking standards to be applied to new developments. Based on a building of this size ideally 90 car parking spaces should be provided. However given the position of the application site which is in close proximity to the recent housing developments and the provision of nearby bus stops, the development of 83 spaces is considered to be adequate.
- 8.39 It is noted that neighbour representations have referred to the position of the medical centre in relation to Old Rossington and suggest that car usage will be relied upon for residents of that area. However, the site is easily accessible via pedestrian footpaths as well as bus services. Whilst the relocation of existing GP surgeries away from some patients is unfortunate, the impact upon the highway from the minor increase in vehicle trips between Old Rossington and the application site is considered to be significantly outweighed by the benefits provided by the new facility.
- 8.40 Overall, the proposal provides suitable arrangements for vehicular access, parking and protects public safety in line with the above policies. The trip generation to and from the site would not lead to a significant impact upon the highway network.

Trees and Landscaping

- 8.41 Policy 48 states that development will be supported which protects landscape character, protects and enhances existing landscape features and provides high quality hard and soft landscaping scheme which includes fit for purpose planting and generous trees, shrubs and hedgerow planting.
- 8.42 The Council's Tree Officer has reviewed the application and has no objection to the proposal. Appropriate landscaping has been included in the proposed plans and an in-depth consideration to the existing trees to the south of the site is included in the submitted documents. On this basis there is no objection subject to the conditions attached.

Flood Risk and Drainage

- 8.43 Policy 56 states that development proposals will be supported where there is adequate means of foul sewerage disposal; no increase in flood risk or surface water run off and make use of SUDs unless it can be shown to be technically unfeasible.
- 8.44 The site lies within Flood Risk Zone 1 as per the Environment Agency's Flood Map for Planning and by Doncaster's Strategic Flood Risk Assessment (SFRA). This is the lowest area of flood risk. Nevertheless major planning applications must be supported by the relevant drainage information including plans and strategies in order to accord with adopted Policy 56.
- 8.45 The site will incorporate satisfactory measures for dealing with drainage impacts to ensure waste water and surface water run-off is dealt with on site. The information provided throughout the application has been reviewed by the Council's Drainage Officer and there is no objection on this basis, subject to the conditions attached.
- 8.46 Yorkshire Water/Severn Trent Water and the EA were also consulted on the application, neither of which raised any objections. The owner of the land immediately adjacent to the application site has also confirmed acceptance of the crossing of land to appropriately discharge into the relevant watercourse.

Contaminated Land

- 8.47 Policy 55 states that proposals will be required to mitigate contamination by demonstrating there is no significant harm to human health; land; natural environment; pollution of soil or any watercourse. Developments must ensure that necessary remedial action is undertaken and demonstrate that any adverse ground conditions have been properly identified and safely treated so that is suitable for the proposed use.
- 8.48 Policy 54 relates to pollution and states that consideration will be given to the impact on national air quality. An air quality assessment will be required to enable clear decision making on any relevant planning application.

- 8.49 The Contamination Officer has reviewed the application in regards to land contamination. A contaminated land risk assessment with soil sampling has been submitted, with some further investigation relating to ground gas monitoring still to take place. Findings of these additional surveys are to be submitted to the local planning authority prior to any development taking place, as set out in the attached conditions.
- 8.50 Based on the submitted reports and the attached conditions there is no objection in regards to land contamination.

Energy Efficiency/Sustainability Features

- 8.51 Policy 58 relates to low carbon and renewable energy proposals, and states that development will be supported which give priority to heat or power generation from light or other low carbon heat sources.
- 8.52 The proposed development includes the integration of air source heat pumps with a dedicated enclosure indicated on the site plan. The use of sustainable energy sources for commercial buildings of this nature is considered favourably.

Archaeology

- 8.53 Policy 39 states that development affecting other archaeological assets will need to demonstrate how any benefits will outweigh harm to the site.
- 8.54 The South Yorkshire Archaeology Service have been consulted and confirmed that the site has negligible archaeological potential and advises that there are no archaeological concerns with this application.

Ecology

- 8.55 Policy 29 states proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks. Policy 30 states proposals which may harm priority habitats; protected species or features of biodiversity interest will only be supported where the DEFRA biodiversity metrics demonstrates that a proposal will be deliver a minimum 10% net gain for biodiversity.
- 8.56 The application has been supported by a preliminary ecological appraisal; along with a landscape and ecological management plan and a biodiversity net gain assessment and metric.
- 8.57 The Ecologist has reviewed all of the submitted documents, with his comments summarised at paragraph 7.5. Overall the development results in a BNG of +36.82% which significantly exceeds the +10% requirement as set out in Local Plan Policy 30. On this basis there is no objection to the development subject to the conditions attached.

Conclusion on Environmental Issues

- 8.58 Para. 8 of the NPPF (2021) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.59 In conclusion of the environmental issues, it is considered that there has been no significant issues raised which would outweigh against the benefits of the proposal or that cannot be mitigated by condition. The proposal would contribute to character of the area and would integrate well with the surrounding built form, in combination with the well designed tree and landscaped proposals.
- 8.60 The highways arrangements are deemed to be acceptable and include sufficient provision of both cycle and vehicle parking. There are no archaeological constraints, and the site is not in a flood risk area. The development will provide a significant uplift in BNG with an overall habitat units percentage of 38.82. Overall, the environmental impact of the development is considered to be acceptable.

ECONOMIC SUSTAINABILITY

- 8.61 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application.

Conclusion on Economy Issues

- 8.62 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough and for that reason weighs in favour of the development.

9.0 PLANNING BALANCE & CONCLUSION

- 9.1 In accordance with Paragraph 11 of the NPPF, the proposal is considered in the context of the presumption in favour of sustainable development.
- 9.2 The principle of developing the site is acceptable having regard to its allocation in the Local Plan and its designation in the approved masterplan for outline planning permission ref: 12/01107/OUTA. The proposal will provide a much needed new medical centre facility, replacing two existing local GP surgeries. The building will include modern equipment and technologies and make better use of land by housing two existing surgeries within one site. The proposal will improve the accessibility and increase the provision of health services within the Rossington area which provides significant social benefits.

- 9.3 The proposal includes good quality landscaping. Meanwhile the revised internal layout and overall appearance of the building respects the local character and surrounding built form. The proposed external materials and finishes will provide a modern appearance which will be in-keeping with the adjacent and future developments in this part of Rossington.
- 9.4 The site provides an adequate provision of parking including cycle storage and disability bays, as well as defined pedestrian pathways.
- 9.5 The site constraints have been assessed and there are no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the overall benefits identified when considered against the policies in the NPPF taken as a whole.
- 9.6 As set out in paragraph 5.46 the proposal also adheres to the key goals included in the Doncaster Delivering Together 10 Year Strategy.

10.0 RECOMMENDATION

10.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW:

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

Location Plan – Project No: 15/1346, Drawing No: 20B, Received: 17/10/2022

Site Plan- Project No: 15/1346, Drawing No: 03L, Rev: L, Received: 23/2/2023

Proposed Floor Plan- Ground Floor Plan Accommodation, Project No: 15/1346, Drawing No: 110, Rev: B, Received: 23/2/2023

Proposed Floor Plan- First Floor Plan Accommodation, Project No: 15/1346, Drawing No: 111, Rev: B, Received: 23/2/2023

Proposed Floor Plan- Second Floor Plan Accommodation, Project No: 15/1346, Drawing No: 112, Rev: B, Received: 23/2/2023

Roof Plan- Project No: 15/1346, Drawing No: 09, Received: 4/10/2022

Proposed Elevations – South & West Elevation, Project No: 15/1346, Drawing No: 13, Rev: B, Received: 23/2/2023

Proposed Elevations – North & East Elevation, Project No: 15/1346, Drawing No: 12, Rev: B, Received: 23/2/2023

Sections- Site Sections, Project No: 15/1346, Drawing No: 25, Rev: C, Received: 14/3/2023

Drainage Plan – Drainage Layout, Drawing: Y635 - BPL - 00 - XX - DR- C- 0021, Rev: P4, Received: 24/3/2023

Landscaping Detail – Landscape and Ecological Management Plan (LEMP), Report Ref: 18747-LEMP, Version: V4.0, Received 2/2/2023

Additional Information – Arboricultural Report, Report Ref: 18768, Version: V1.0, Received 4/10/2022

Landscaping Details – Soft Landscape Proposals Planting Plan, Drg No: 18747-LD-01, Rev: A, Received: 4/10/2022

REASON

To ensure that the development is carried out in accordance with the application as approved.

03. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

REASON

To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.

04. Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

REASON

To ensure that adequate parking provision is retained on site.

05. No construction works shall take place until full details of offsite highway works have been submitted to and agreed in writing by the Local Planning authority within a Construction Traffic Management Plan. The development shall be carried out in accordance with the agreed details and cover the following points:

- Construction Period
- The number and types of construction vehicles used daily and weekly;
- The area(s) demarked for parking of vehicles of site operatives and visitors
- Identification of delivery routes and agreed access point;

- Contractors method for controlling construction traffic and adherence to routes
- Timing of deliveries
- Areas shown for loading, Unloading and Storage of plant and materials
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Temporary signage
- Wheel Wash facilities
- Measures to control noise and the emission of dust and dirt during construction

REASON

To safeguard the living conditions of neighbouring residents and in the interests of highway safety in accordance with Local Plan Policy 13.

06. The scheme of protection for all retained trees directly adjacent to the site, including tree management, ground protection measures and the erection of impact resistant protective barriers shall be implemented in full accordance with the requirements contained within the approved plans and particulars (ref. ECUS Rossington Hub - BS 5837: 2012 Arboricultural Report, Impact Assessment and Method Statement Report ref. 18768 version V1.0 dated June 2022) before any equipment, machinery or materials have been brought on to site for the purposes of the development.

The local planning authority shall be notified of implementation and shall visit site to approve the setting out of the site and location of protective barriers prior to the commencement of development.

Thereafter tree protection practices shall be implemented and monitored in full accordance with the approved scheme until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON

In the interests of environmental quality and in accordance with Policy 32 of the Local Plan.

07. The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage

system shall be operating prior to the development being brought into use.

REASON

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

08. Prior to the development hereby approved being brought into use, details of the drainage management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The drainage system for foul and surface water drainage shall be retained, managed and maintained for the lifetime of the development in accordance with the approved drainage management and maintenance plan.

REASON

To ensure the drainage apparatus of the site is adequately maintained for the lifetime of the development and to accord with Para. 169 c) of the National Planning Policy Framework (2021).

09. Before the development commences, product details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

REASON

To ensure the satisfactory appearance of the development in accordance with Local Plan Policy 46.

10. Unless otherwise agreed in writing the development should take place in accordance with the submitted BREEAM pre-assessment dated 21/07/2022 and achieve a level of sustainable construction equivalent to BREEAM Very Good. Prior to the building being brought into use, an updated assessment and evidence of installed measures should be submitted to and approved by the Local Planning Authority.

REASON

In the interests of sustainability and to minimise the impact of the development on the effects of climate change.

11. Prior to the commencement of development a GCN district level licence issued by natural England shall be submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure the ecological interests of the site are maintained in accordance with Local Plan policy 29 and that no offence is committed in respect of protected species legislation.

12. Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to the LPA for approval, and implemented in accordance with the details as set out in the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (ECUS January 2023 Ref:18734) and include:
- A risk assessment of the potentially damaging construction activities in relation to wildlife and habitats.
 - A method statement for the protection of reptiles and other terrestrial fauna that may be encountered on site.
 - Measures to protect the adjacent Local Wildlife Site, Holes Carr Great Wood
 - The use of protective fencing, exclusion barriers and wildlife safety measures.

The approved CEMP shall thereafter be adhered to at all times.

REASON

To ensure the ecological interests of the site are maintained in accordance with Local Plan policy 29.

13. Within one month of commencement, a lighting design strategy for light-sensitive biodiversity in (specify the site/site areas) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall show how, external lighting on the new building will be installed (through the provision of external lighting contour plans and technical specifications) so that it can be clearly demonstrated that it will not disturb or adversely affect the use of the nearby woodlands by bats and other species of wildlife. The strategy shall be informed by the Institute of Lighting Professionals/Bat Conservation Trust, Guidance Note 08/18: Bats and Artificial Lighting in the UK. All external lighting shall be installed prior to occupation of the building in accordance with the specification and locations set out in the strategy and maintained as such for the lifetime of the development.

REASON

To ensure the ecological interests of the site are maintained in accordance with Local Plan policy 29.

14. Prior to the commencement of development, a Management and Monitoring Plan for proposed onsite habitats shall be submitted to the Local Planning Authority for approval in writing. The Management Plan shall be based on the proposals set out in the Biodiversity Impact Assessment (ECUS January 2023 Ref: 18734) and detailed in the following:
- The baseline biodiversity assessment against which an uplift in biodiversity unit value will be monitored.
 - The project's biodiversity unit targets.

- A detailed adaptive management plan setting out how habitats will be created or enhanced and describing the proposed ongoing management for a minimum of 30 years.
- The details of when target condition will be achieved and how it shall be maintained.
- A detailed monitoring plan that will be used to inform any potential changes to the ongoing management and assess the progress towards achieving target condition. This should outline the surveys that will be used to inform condition monitoring reports. Monitoring reports will be provided to the Local Planning Authority by the end of years 1,2,5,10,20, and 30 of the monitoring period.
- The roles, responsibilities and professional competencies of the people involved in implementing and monitoring the biodiversity net gain delivery.
- Evidence that the necessary resources are available to deliver the proposed biodiversity net gain plan and the ongoing management.

Once approved the Management and Monitoring Plan shall be implemented in full and any subsequent changes to management as a result of findings from the monitoring agreed in writing with the Local Planning Authority.

REASON

To fulfil specifically the requirements of Local Plan policy 30B and enhance local ecological networks in accordance with Local Plan policy 29.

15. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.
- b) The Phase 2 site investigation and risk assessment, if appropriate, must be approved by the LPA prior to investigations commencing on site. The Phase 2 investigation shall include relevant soil, soil gas, surface and groundwater sampling and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice. All the investigative works and sampling on site, together with the results of analysis, and risk assessment to any receptors shall be submitted to the LPA for approval.
- c) If as a consequence of the Phase 2 Site investigation a Phase 3 remediation report is required, then this shall be approved by the LPA prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site

must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

d) The approved Phase 3 remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The LPA must be given two weeks written notification of commencement of the remediation scheme works. If during the works, contamination is encountered which has not previously been identified, then all associated works shall cease until the additional contamination is fully assessed and an appropriate remediation scheme approved by the LPA.

e) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

16. Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

17. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and/or visitors to the development have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the first use of the

development hereby permitted and shall thereafter be retained for use at all times.

REASON

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy 13 of the Doncaster Local Plan.

18. The development shall to be delivered in accordance with the approved Travel Plan document (SLR Report dated: September 2022, received: 19/10/2022).

REASON

In the interests of highway safety and the promotion of sustainable transport methods in line with Local Plan Policy 13.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order with or without modification), the development hereby approved shall only be used/occupied by uses falling within Use Class E(e)- Medical or Health Services and for no other purpose (including any other purpose in Class E of the Schedule to the Use Classes Order).

REASON

To ensure that the building is only used for its intended use and cannot be converted to other town centre uses and thus bypass the Sequential Test exercise which is required by Local Plan Policy 22.

20. The development hereby approved must only operate during the following hours:

Monday - Friday: 07:30 - 20:30

Saturday: 08:00 - 18:00

Not at any time on Sundays or Bank Holidays

REASON

In the interests of protecting nearby residential amenity in accordance with Local Plan Policy 46.

22. The scheme of soft landscaping shall be implemented in full accordance with the approved plans and particulars (ref. ECUS Rossington Hub Landscape and Ecological Management Plan Report ref. 18747-LEMP version V4.0, received 2/2/2023) during the first available planting season following the completion of the development hereby granted. The local planning authority shall be notified in writing within 7 working days of the completion of the landscape works to inspect and approve practical completion in writing.

Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme.

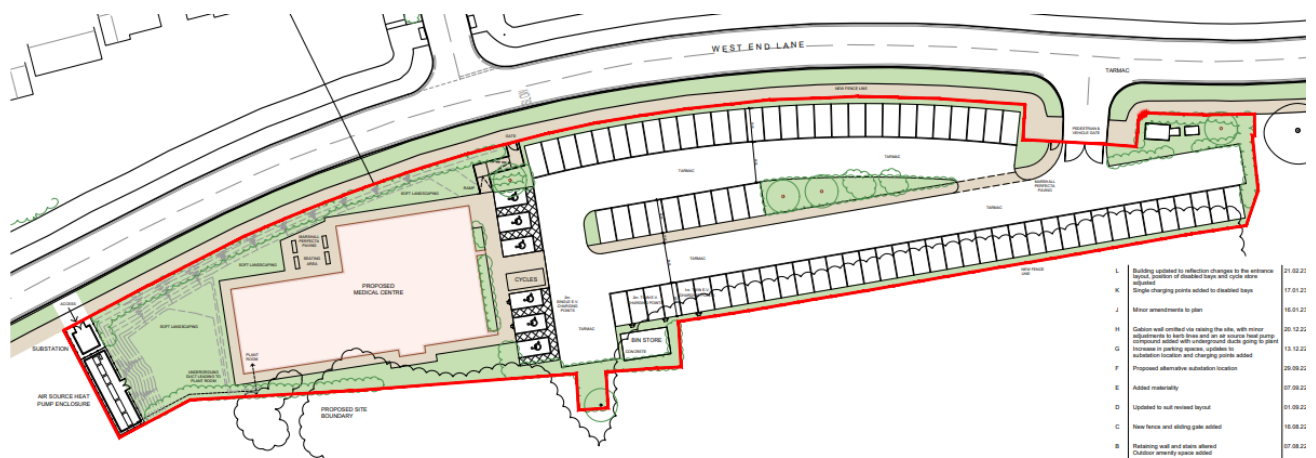
REASON

In the interests of environmental quality and in accordance with Policy 48 of the Local Plan.

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Appendix 1- Site Plan



Appendix 2 – Proposed Elevations



North Elevation

1: 100 @ A2



East Elevation

1: 100 @ A2



South Elevation

1: 100 @ A2



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Application	4.
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Application Number:	22/02194/FUL
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Application Type:	Full Application
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Proposal Description:	Extension and alterations to existing dwelling to form six one bedroomed flats and conversion of outbuilding to form additional single flat and bike store.
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At:	97 Scawthorpe Avenue, Scawthorpe Doncaster, DN5 9DQ
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For:	Mr Duhre
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Third Party Reps:	10 representations 9 objections and 1 in support	Parish:	Unparished
		Ward:	Roman Ridge

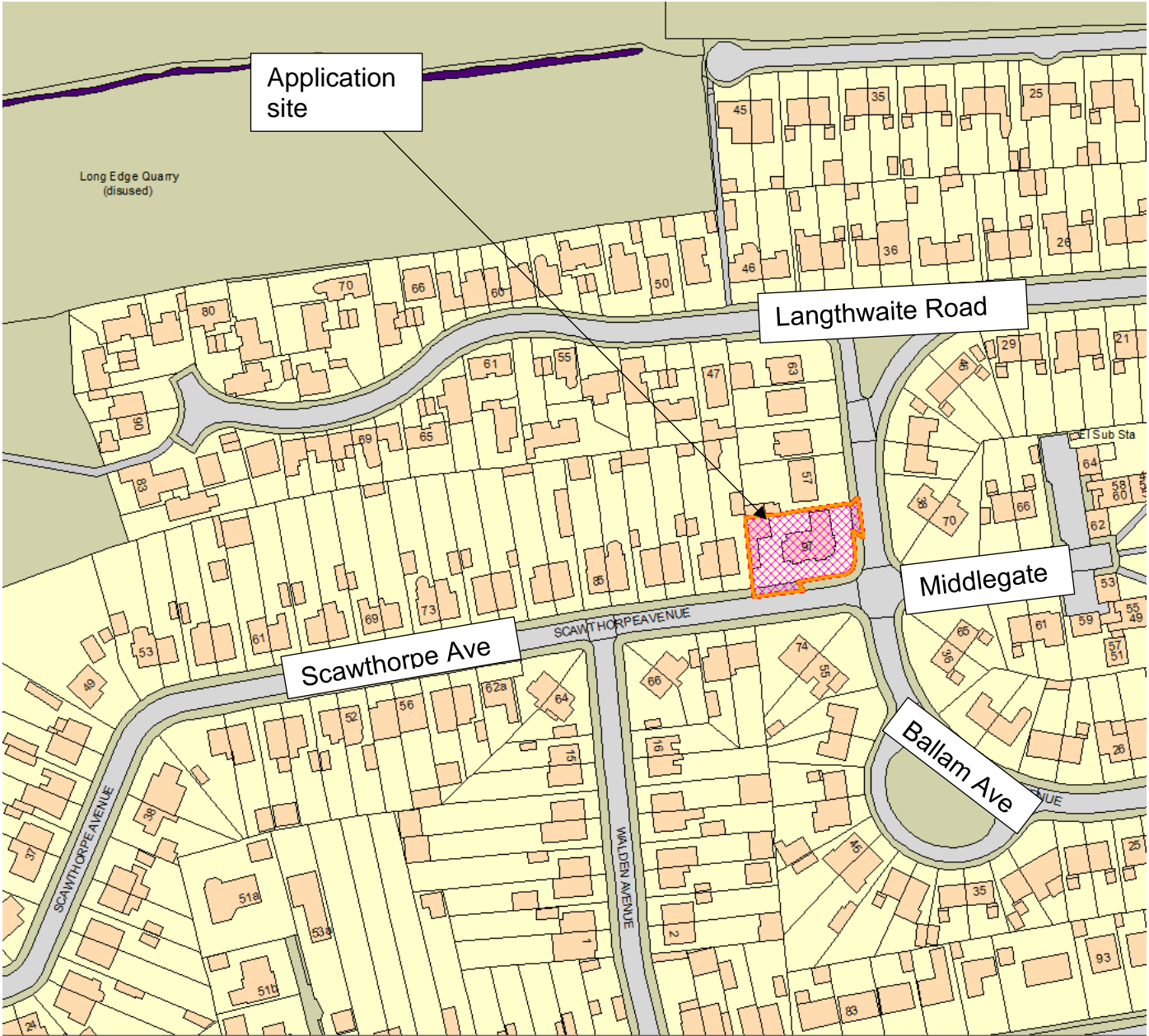
Author of Report	Mark Ramsay
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SUMMARY

This application was originally submitted as an outline application and was deferred from Planning Committee on the 24 January 2023 for procedural matters in relation to the nature and description of the application. Since then the application has been updated and advertised as a full application.

The application is for an extension of an existing dwelling to form six one bedroom flats and conversion of an outbuilding also to a flat. The application is being presented to Planning Committee due to a request from a Local Ward Member.

RECCOMENDATION: To GRANT planning permission subject to conditions.



1.0 Reason for Report

- 1.1 This report is being presented to Planning Committee due to a request from the local ward member, Cllr Hempshall.

2.0 Proposal and Background

- 2.1 This proposal seeks permission for the erection of an extension to the existing dwelling at 97 Scawthorpe Avenue to form six one bedroomed flats and conversion of an outbuilding to flat.

3.0 Site Description

- 3.1 The host dwelling is red brick detached property on the corner of Scawthorpe Avenue and Ballam Avenue. The host property has an overgrown garden area to the side/rear. To the front is a brick wall and two vehicular accesses as well as two pedestrian accesses. There is a detached garage and outbuilding to the western side of the plot and a small garden area to the rear.

4.0 Relevant Planning History

08/01300/FUL - Erection of 1no pair of semi-detached houses on approx. 0.04ha of land following demolition of existing bungalow and out buildings (being resubmission of application refused under ref 07/03388/FUL on 20.12.07) – Granted 17/07/2008.

21/02440/FUL - Erection of two storey side extensions to both side elevations and construction of boundary wall -
Granted 22.07.2022

- 4.1 The above two applications while being permitted, were not implemented, although the latter is still within the time limit to be commenced and covers the same footprint as the development that is proposed here.
- 4.2 The building is as originally built and subsequently incrementally extended as shown in the extract from the plans submitted with the 2008 application (see appendix 1). The single storey westerly extension originally included a post office and this part of the building has since formed part of the host dwelling. The northerly flat roof projection and outbuildings date from the 1950's and 60's.

5.0 Site Allocation

- 5.1 The site is identified within the Local Plan as Residential Policy Area. The site is within the Scawthorpe settlement. In addition to this the site is in flood zone 1 and therefore at low risk of flooding from main rivers.

5.2 National Planning Policy Framework (NPPF 2021)

- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below: Page 143

Paragraph 38 (Decision making)
Paragraph 47 (Determining applications)
Paragraph 56 (Planning Conditions)
Paragraph 111 (Promoting sustainable transport)
Paragraph 124 (Efficient use of land)
Paragraph 130 (Achieving well designed places)

Local Plan

- 5.3 The site lies within a Residential Policy Area according to Policy 10. This policy supports new residential development providing it, amongst other matters, protects and enhances the qualities of the existing area and contribute to a safe, healthy, and prosperous neighbourhood.
- 5.4 Policy 13 sets out that new development shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact
- 5.5 Policy 41 requires development to be successfully assimilated into the existing built environment.
- 5.6 Policy 44 states that developments must protect existing amenity and not significantly impact on the living conditions of neighbours.

Other material planning considerations and guidance

- Transitional Developer Guidance (2022)
- National Planning Policy Guidance

5.7 Neighbourhood Plan (NP).

- 5.8 No neighbourhood plan is relevant to this application.

6.0 Representations and consultations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, council website, and neighbour notification.

- 6.2 There were 7 representations received for the original submission, 6 objecting proposal (two duplicates from the same person) and one in support. The matters raised include:

- change to the character of the area;
- overshadowing and loss of privacy;
- increase in density;
- loss of privacy of neighbouring properties; and;
- insufficient parking

- 6.3 Since the revised application was re-advertised 3 representations were received objecting to the proposal. The matters raised include:

- the area is for families;
- change to the character of the area through creating flats;

- overshadowing and loss of privacy; and;
- high demand for parking

6.4 Yorkshire Water have not objected but asked for conditions requiring separate foul and surface water connections and prior approval drainage works

6.5 Highways have no objections to the proposed parking arrangements

7.0 Ward Members

7.1 Cllr Hempshall (Roman Ridge Ward) has objected to the creation of flats in this location.

8.0 Town/Parish Council

8.1 The site is not in a parished area.

9.0 Assessment

9.1 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little
- None

9.1 The main planning considerations relevant to this proposal are whether the development would have a negative impact upon the character of the area, neighbouring amenity, or highway safety.

9.2 Sustainability

9.3 The National Planning Policy Framework (NPPF 2021) sets out at Paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three strands to sustainability, social, environmental, and economic.

Principle

9.4 There are no issues with the principle of considering residential development given the proposal is located in a Residential Policy Area, and that the main use of the building will be to form individual residential units that will add to the mix of accommodation available in the surrounding area. So, rather than a large family home, it will comprise up to seven one bed dwellings. Concerns have been raised regarding the density of housing within the area but a search of applications on the surrounding streets shows that there have not been similar conversions.

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9.5 SOCIAL SUSTAINABILITY

Residential Amenity

- 9.6 The development will result in an enlargement of the building in terms of additional first floor space above the northern and eastern projections with bedroom windows facing towards the gardens of neighbouring properties. However, none of the proposed openings shown on the floor plans would be facing towards windows on adjacent properties and would also meet the separation distances for overlooking neighbouring gardens. All windows in the converted outbuilding would face into the amenity area and not into adjacent gardens. The land levels of the host property are lower than the adjacent property.
- 9.7 Noise would only result from the normal domestic use of the property and the comings and goings of residents. The boundary to neighbouring dwellings is substantially formed by the outbuilding which will also form one of the dwellings so would contain external activity in the shared amenity space within the confines of the site.
- 9.8 The amenity of occupants is also important and the submitted floor plans show that the building can accommodate 1 bed units that meet the requirement of NDSS (National Described Space Standards) and also provides a modest shared private outdoor space.

Conclusion on Social Impacts

- 9.9 It is not considered that the proposed development would detract from the residential amenity of any neighbouring residential properties, and the development in this respect would accord with Policy 44 of the Local Plan and Paragraph 130(f) of the NPPF.

9.10 ENVIRONMENTAL SUSTAINABILITY

Design and Impact on Local Character

- 9.11 The immediate street scene of Scawthorpe Avenue, Middlegate and Ballam Road is mixed in character with properties of varying types and styles, with a line of bungalows to the north and two storey semis with varying roof types and modest gardens in front, set on the adjacent streets. Further along Middlegate is a development of two and three storey connected buildings containing flatted accommodation.
- 9.12 The proposed alterations would be visible in the street; however, the appearance of the building is almost identical to that previously approved when the proposed was to create a single larger dwelling.

Highway Safety

- 9.13 The proposal includes off road parking on both street frontages that would accommodate up to 7 vehicles and the Highways officer has not raised objections to this provision. Additionally, there would still be space for on street parking in front of the building.

Drainage

- 9.14 The proposal is to connect to the existing outfalls that service the dwelling. Yorkshire Water have requested prior approval of surface water drainage works and separate foul and surface water connections which it is recommended to be conditioned as part of any approval.

Conclusion on Environmental Issues

- 9.15 The proposal will have neutral environmental implications in terms of design, character, and visual impact.

9.16 ECONOMIC SUSTAINABILITY

- 9.17 The proposal would likely bring about a limited benefit in terms of local construction labour and the purchase of materials.

Conclusion on Economy Issues

- 9.18 To a limited extent, the proposal would support the economic objective of sustainable development as set out in paragraph 8 of the NPPF.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and it is recommended planning permission should be granted subject to necessary conditions set out below. Under the provisions of the NPPF, the application is considered to be a sustainable form of development.

11.0 RECOMMENDATION

11.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE FOLLOWING CONDITIONS:

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications:

23-030-2 Site Plan

23-030-8 Proposed outbuilding

23-030-6 Proposed House Elevations (floor plans)

REASON

To ensure that the development is carried out in accordance with the application as approved.

03. The external materials and finishes shall match the existing property.

REASON

To ensure the satisfactory appearance of the development in accordance with policy 41 of the Doncaster Local Plan.

04. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

REASON

In the interest of satisfactory and sustainable drainage

05. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

REASON

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage).

06. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

REASON

To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.

07. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.

REASON

To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.

08. The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in

accordance with a scheme previously approved in writing by the local planning authority.

REASON

To avoid damage to the verge.

09. Prior to the occupation of the development hereby approved, details of electric vehicle charging provision shall be submitted to and approved in writing by the local planning authority. Installation shall comply with current guidance/advice. The development shall not be occupied until the approved connection has been installed and is operational and shall be retained for the lifetime of the development. The development shall be carried out in accordance with the approved details.

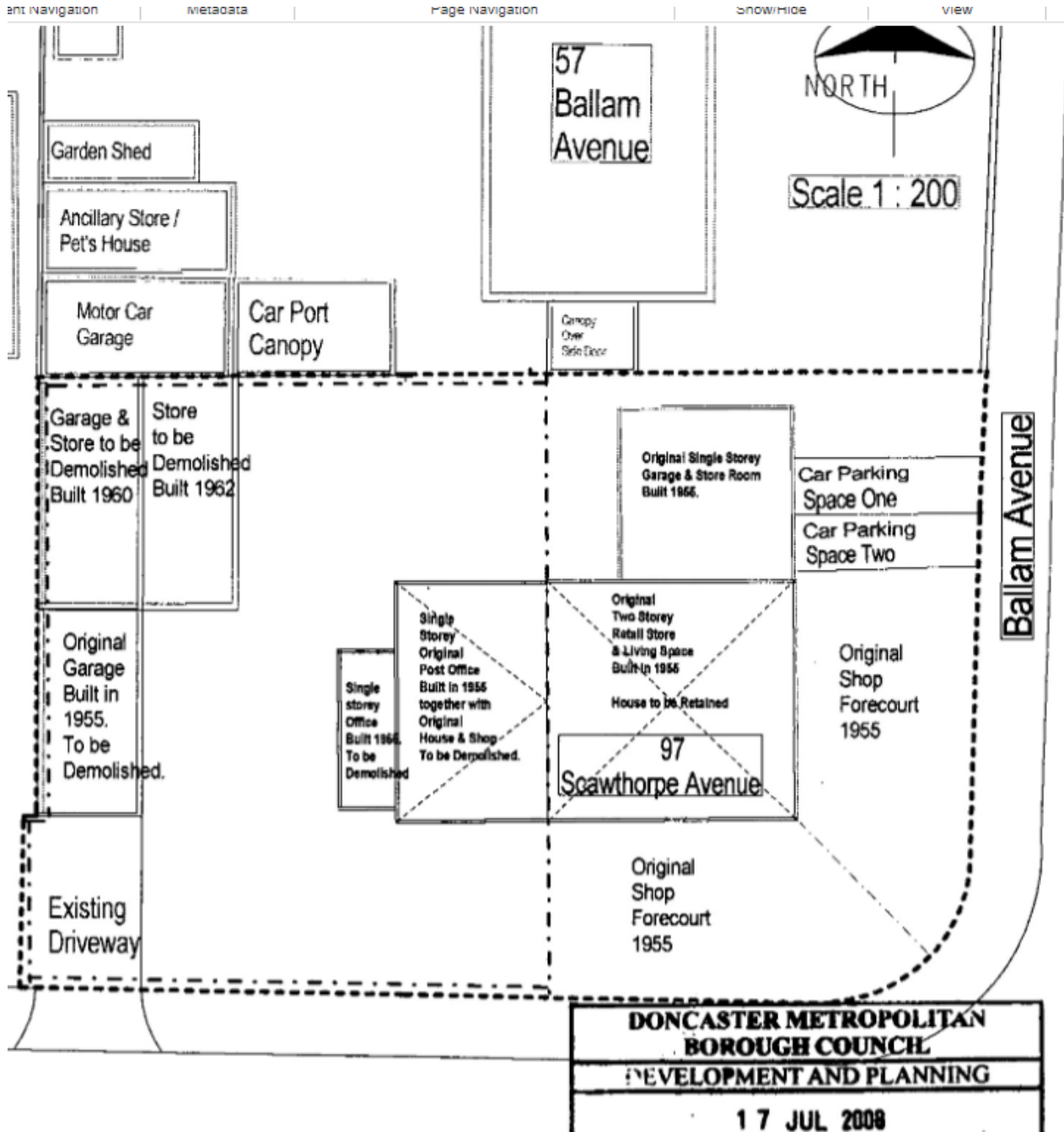
REASON

To contribute towards a reduction in emissions in accordance with air quality objectives and providing sustainable travel choice in accordance with policy 13 of the Doncaster Local Plan.

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence

Appendix 1: Plan from 2008 application showing historic development of the site



Appendix 2: Site Plan



Appendix 3: Floor Plans

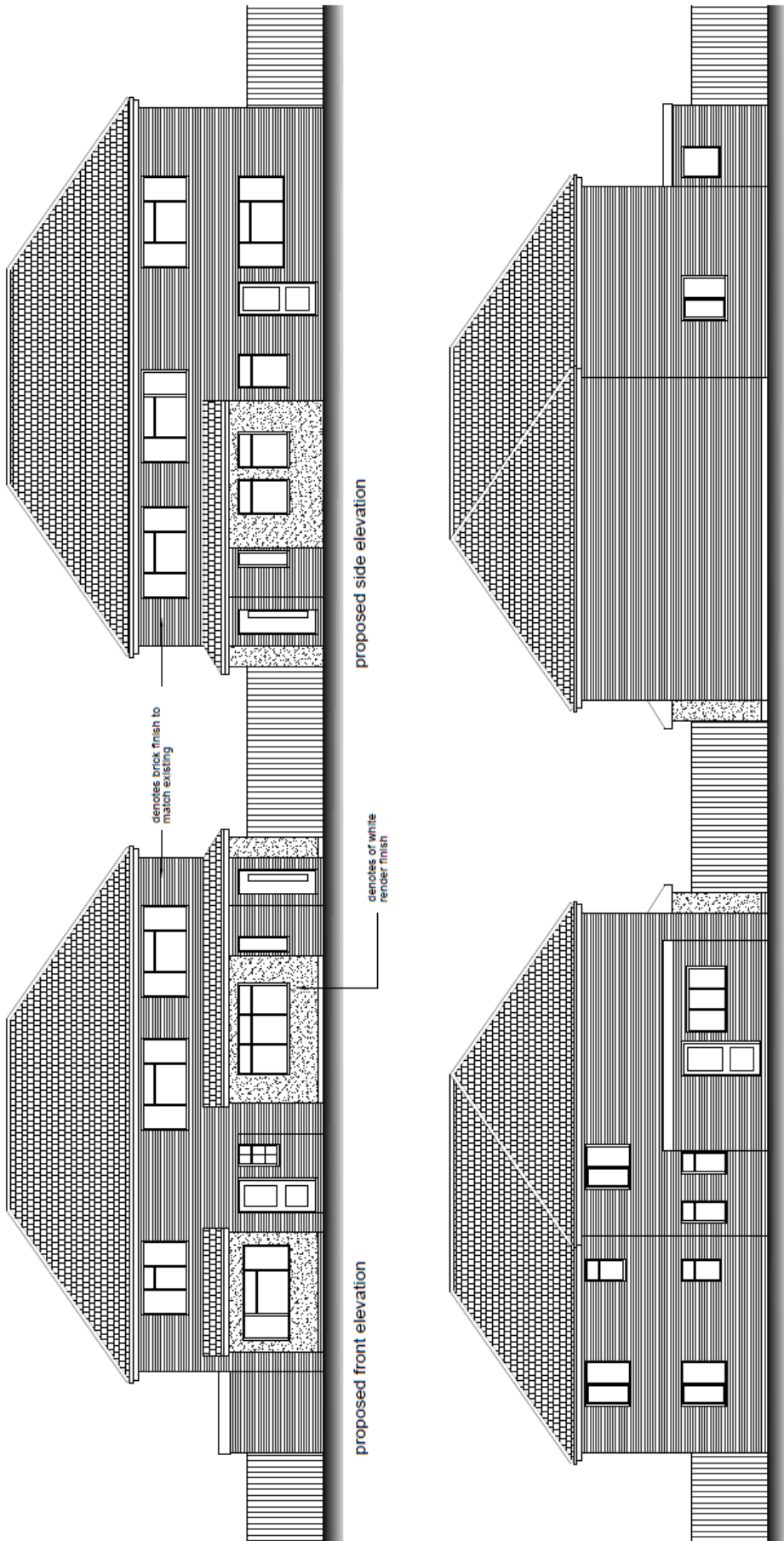


proposed ground floor layout

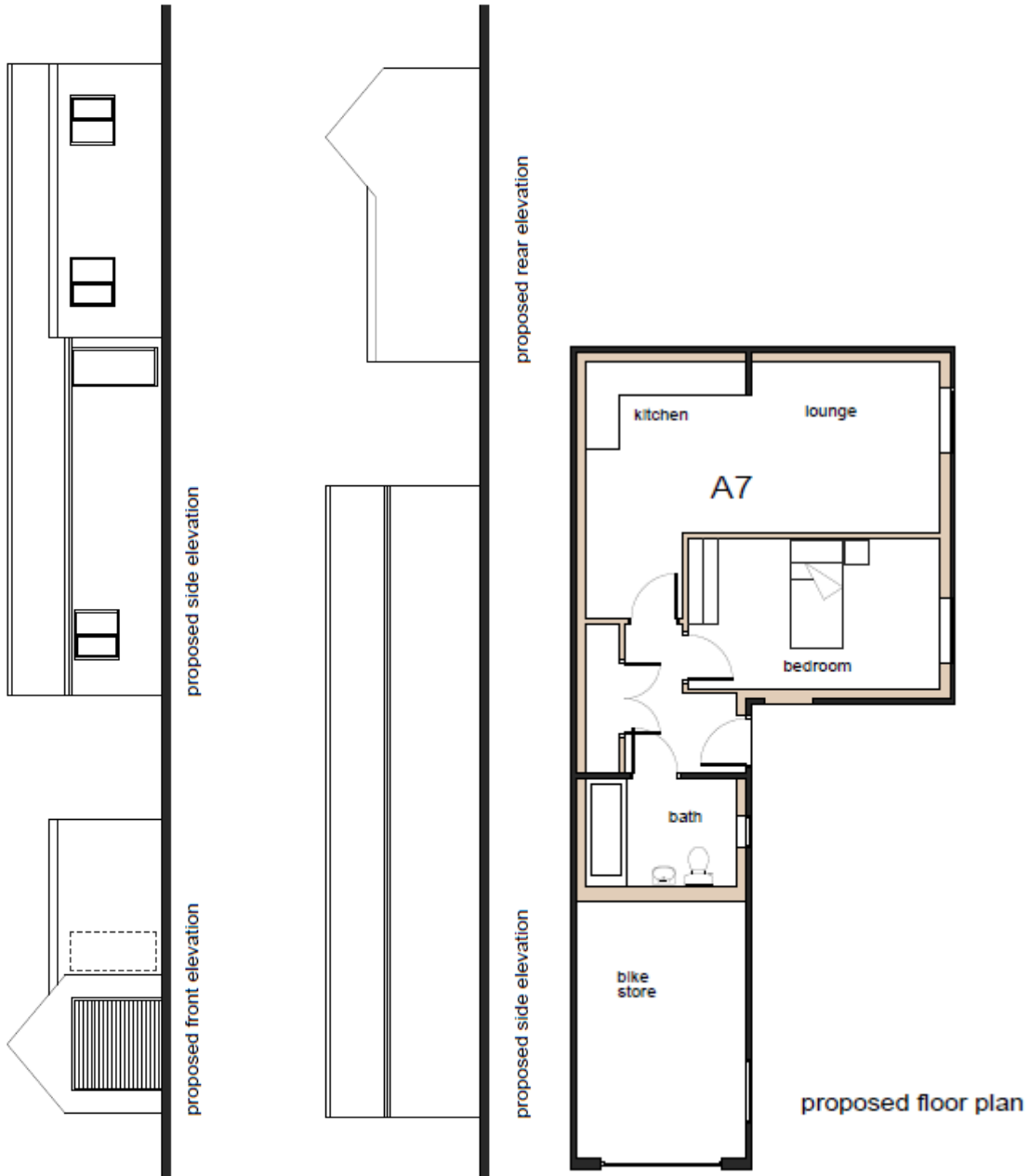


proposed first floor layout

Appendix 4: Proposed Elevations



Appendix 5: Outbuilding Plans



Application	5.
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Application Number:	22/01376/FUL
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Application Type:	Full Application
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Proposal Description:	Erection of two, four-bedroom dwellings at the rear of 65 Station Road
At:	65 Station Road, Hatfield, DN7 6QN

For:	Dantom Homes Developments Ltd
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Third Party Reps:	2 representations in opposition	Parish:	Hatfield Town Council
		Ward:	Hatfield

Author of Report:	Rebecca Larder
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SUMMARY

The proposal seeks full planning permission for the erection of two detached dwellings within the rear curtilage of No.65 Station Road, Hatfield. The site currently forms part of the private amenity space

The application site is located in a Residential Policy Area, where Policy 10 of the Local Plan supports residential developments provided that they provide an acceptable level of residential amenity, protect and enhance the qualities of the existing area, and meet other development plan policies including those relating to flood risk, open space, design and sustainable construction. The proposed development is therefore acceptable in principle provided it meets other development plan policies.

There are no unacceptable amenity implications. The separation distances both within the development and in relation to existing residents that surround the site are acceptable. In addition, the proposed dwellings meet the requirement of the Nationally Described Space Standards.

However, the design and layout is considered inappropriate to the site setting. The siting of the proposed dwellings represent poor design that does not respect the character of the locality therefore it is recommended the application is refused. This is discussed in detail within the main body of this report.

RECOMMENDATION: REFUSE



1.0 Reason for Report

- 1.1 The application is being presented to Members at the request of a Ward Councillor Linda Curran, who is in favour of the application.

2.0 Proposal and Background

- 2.1 The application proposes to erect two detached dwellings, with associated parking to the rear of No65 Station Road. Each dwelling would comprise of an open plan kitchen/living/dining area with bi-fold doors at the rear, with a separate living room on the front. Both properties would have 4 beds, two of which are double rooms and two single rooms.

3.0 Site Description

- 3.1 The site currently forms part of the rear garden belonging to 65 Station Road. 65 Station Road itself is a modern detached dwelling built in a red brick with brown UPVC windows. The property is set back from the highway and has a substantial driveway to the front and partially down the side of the property. There is a large narrow garden area to the rear which is proposed to be subdivided into three for two new dwellings and an amenity area for the host dwelling.
- 3.2 The surrounding properties are varied in terms of their age, style and design. There are a mixture of bungalows, dormer bungalows and two storey dwellings within the street. There are no prevailing materials or specific characteristics within the street scene, the properties are very much varied in terms of their design, and each plot very much has its own identity and character. Similarly, the frontages are also very much varied with a variety of different hard standings and boundary treatments.

4.0 Relevant Planning History

- 4.1 There is no site history.

5.0 Site Allocation

- 5.1 The site is located within a Residential Policy Area as defined by the Local Plan (2021). The site also lies within Flood Zone 3 according to Environment Agency Flood Maps so is at high residual risk from main river flooding.

5.2 **Local Plan**

5.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:

- Local Plan Policy 10 : Residential Policy Areas
- Local Plan Policy 13 : Promoting sustainable transport in new developments
- Local Plan Policy 29 : Ecological Networks (Strategic Policy)
- Local Plan Policy 30 : Valuing Biodiversity and Geodiversity (Strategic Policy)
- Local Plan Policy 32 : Woodlands, Trees and Hedgerows
- Local Plan Policy 41 : Character and Local Distinctiveness (Strategic Policy)
- Local Plan Policy 42 : Good Urban Design (Strategic Policy)
- Local Plan Policy 44 : Residential Design (Strategic Policy)
- Local Plan Policy 45 : Housing Design Standards (Strategic Policy)
- Local Plan Policy 48 : Landscaping of New Developments
- Local Plan Policy 54 : Pollution
- Local Plan Policy 55 : Contamination and Unstable Land
- Local Plan Policy 56 : Drainage
- Local Plan Policy 57: Flood Risk Management

5.4 The relevance of each policy will be discussed in the assessment of the application below.

5.5 **National Planning Policy Framework (NPPF 2021)**

5.6 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

5.7 Neighbourhood Plan (NP).

5.8 No neighbourhood plan is relevant to this application.

5.9 Other material planning considerations and guidance

5.10 Doncaster Council adopted the Biodiversity Net Gain Supplementary Planning Document (SPD) in September 2022, and the document is a material consideration in decision-making.

5.11 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) have been formally revoked in line with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012, following the adoption of the Local Plan. The SPDs refer to superseded development plan policies, and some provide guidance which is not in accordance with the new Local Plan. The Transitional Developer Guidance (April 2022) provides guidance on certain elements, including design, during the interim period, whilst new SPDs to support the adopted Local Plan are progressed and adopted. The Transitional Developer Guidance, Carr Lodge Design Code and the South Yorkshire Residential Design Guide (SYRDG), should be treated as informal guidance only as they are not formally adopted SPDs. These documents can be treated as material considerations in decision-making, but with only limited weight.

6.0 Representations

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of council website and neighbour notification letters.

6.2 Two representations were received as part of the consultation process. The representations raise the following concerns (in summary):

- Overlooking/loss of privacy
- Overdevelopment
- Out of character development
- Drainage/sewer issues at the site

7.0 Parish Council

7.1 The Town Council have provided no comments on this application.

8.0 Relevant Consultations

8.1 Drainage:

No objection subject to condition.

8.2 Environment Agency:

No objection subject to condition.

8.3 Ecology:

No objection subject to condition.

8.4 Highway Officer:

No objection subject to condition.

8.5 Pollution Control:

No objections subject to conditions

8.6 Tree Officer:

No objection subject to condition

8.7 Waste and Recycling:

No objections.

8.8 Planning Policy (Flooding):

No objection subject to EA & Drainage comments being satisfied.

8.9 National Grid:

No comments received.

8.10 Yorkshire Water:

Yorkshire Water raised an initial objection to the proposal. On the Statutory Sewer Map, there is an unspecified diameter public combined sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over. The easternmost external wall of the easternmost plot appears to be directly over the sewer by a total of our maximum tolerance of 10 (ten) metres, which is not acceptable. In addition, the foundations of the exterior wall could bear additional loading on the sewer either directly over or laterally, which would not be acceptable. Amended plans and additional drainage information were submitted and the Yorkshire Water objection has now been removed and a condition has been requested if permission is granted.

9.0 Assessment

9.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that:

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

9.2 The National Planning Policy Framework (2021) at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

9.3 The main issues for consideration under this application are as follows:

- Principle of development
- Design and Impact upon the character and appearance of the surrounding area
- Impact upon residential amenity
- Impact upon highway safety
- Trees
- Flood Risk and Drainage
- Air Pollution and Contaminated Land
- Ecology
- Overall Planning Balance

9.4 For the purposes of considering the balance in this application, planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of development

9.5 The site lies within a Residential Policy Area, and in accordance with Local Plan Policy 10, new residential development will be supported in principle, subject to the following criteria:

1. the development would provide for an acceptable level of residential amenity for both new and existing residents; and
2. the development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
3. the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.

- 9.6 Therefore, the principle of residential development is considered acceptable on the site, subject to the criteria listed above in Local Plan Policy 10 being met.

ENVIRONMENTAL SUSTAINABILITY

Design and Character

- 9.7 Section 12 of the NPPF states that planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but for the lifetime of the development; and b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 9.8 Local Plan Policies 41 and 44 seek for development to be sympathetic to the character of the area and to integrate well with the immediate and surrounding environment.

Policy 41, A) states proposals will be supported where they are of a high quality design that contributes to local distinctiveness, recognise and reinforce the character of local building traditions, and respond positively to their context

Local Plan Policy 44(C) states that backland proposals will be supported where the loss of rear domestic gardens is minimised due to the need to maintain local character, amenity, garden space, green infrastructure and biodiversity. The policy accepts modest redevelopment on backland sites, subject to proposals being subservient to the host property. In addition, such development should generally conform to existing plot sizes and not lead to overdevelopment and/or a cramped appearance.

- 9.9 The site comprises part of the existing garden of No65 Station Road. The site is enclosed by the rear gardens of properties on Station Road, Grange Avenue and Ash Hill Crescent. The scheme as proposed is for two, two storey dwellings. The existing site is relatively narrow in comparison to surrounding properties, with a width of approx. 16m and a length of 75m. At present there is a large detached dwelling facing onto Station Road which is situated approximately 15m from the highway, leaving a large rear garden area.
- 9.10 The properties to the rear of the site are semi-detached properties and are smaller in their massing than the properties along Station Road. The properties along Station Road are typically large detached properties, with large driveways to the front. The proposal is for two dwellings at the rear, given how narrow the site is, the dwellings have a 'cramped in' appearance, having a width of only 5.9m with a 1m gap between the two. The properties are also significantly longer in terms of their length at 14m, the overall shape and positioning of the properties within the site detracts from the wider residential design in the area.

- 9.11 The overall layout of the proposed development together with the scale of the proposed dwellings appears cramped and 'forced' into the relatively small application site. The 'crammed in' layout results in an unsatisfactory design, which fails to consider the wider context of the site and character of the locality. The proposal therefore fails to accord with policy 41 and specifically policy 44 (C).
- 9.12 Backland development is not uncommon within the street scene along Station Road, however other similar types of development conform a more appropriate layout that does not overdevelop the site in which it is built.
- 9.13 Furthermore, the proposed dwellings sit at the same height as the host dwelling. The competing heights draw attention to the proposed dwellings thus fails to appear subservient to the host dwelling. Therefore, the proposal does not accord with Policy 44 (c) of the Local Plan.
- 9.14 Concerns have been raised in the representations received in relation to the scale of development and the fact that it is out of character with the area and design of the original development.
- 9.15 Discussions were had with the agent in regards to removing one of the proposed dwellings to allow for a single dwelling that would sit more comfortably within the plot. This would have achieved a lower density development, which is more in keeping with the surroundings and would be subservient to the host dwelling. The applicant did not want to redesign the development.
- 9.16 In terms of materials and appearance, the properties are proposed to be brick built with white UPVC windows and concrete roof tiles. The surrounding properties are predominantly brick in a variety of colours/textures so there would be no objection to the use of brick. Similarly, the roof tiles and windows would blend with the surrounding properties and there is no concern in relation to the materials chosen.
- 9.17 Overall, it is considered that the dwellings sit awkwardly within the site, giving a 'cramped in' appearance that overdevelops the site, contrary to Policy 44 of the Local Plan. The design and siting of the proposed dwellings represent poor design that does not respect the character of the locality therefore does not accord with Policies 10, 41 or 44 of the Local Plan.

Highway Safety

- 9.18 Paragraph 110 of the NPPF states that development proposals should mitigate against any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety. Local Plan Policies 13, 42 and 44 requires, amongst other criteria, that site layouts function correctly and development should not result in unacceptable impacts on highway safety.
- 9.19 The Highways Officer has reviewed the information submitted and ~~Pages 163~~ object to the application. A new access through the site will be formed down the side of the

existing property. The access is 4.8m wide for 10m back to allow two vehicles to pass on entrance/exit, and the dimensions of each driveway is considered acceptable, with space for two cars per dwelling. The proposal would be acceptable in terms of highways safety and accords with the SYRDG and Policy 13 of the Local Plan.

Drainage / Flood Risk

- 9.20 Local Plan Policy 56 (Drainage) states that development sites must incorporate satisfactory measures for dealing with their drainage impacts to ensure waste water and surface water run-off are managed appropriately and to reduce flood risk to existing communities.
- 9.21 The Lead Local Flood Authority (“LLFA”) have been consulted and have requested a condition that will ensure that drainage details are submitted and agreed prior to the commencement of development. This will ensure that the site drains adequately in terms of surface water.
- 9.22 Overall, the Drainage Team do not object to the application, and subject to conditions, the development will comply with Local Plan Policy 56.
- 9.23 The site is within Flood Zone 3, and is therefore at a high risk of flooding. The submission documents include a Sequential Test. This includes evidence of other land having been searched for in lower flood risk areas. At the time of the search, no reasonably available sites were available and/or in a lower risk of flooding or had been established therefore complies with the Policy requirements of Policy 57, and Council’s Technical Guidance. However it is a requirement that the Exceptions Test is also met.
- 9.24 In terms of the Exception Test, the floor levels of the new property will be raised 450mm above the ground level to protect the development from future flood risk. In addition, there is a first floor to the property, which means the occupants have a place of safety in any emergency. Therefore considered, in the unlikely event that the property floods, the proposed measures are considered acceptable to protect future occupants. A range of other safety measures have also been recommended in the exception test and flood risk assessment document, including:
- Electricity supply cables to enter building from above flood level and wired downwards; electric sockets to be positioned at least 450mm above floor level.
 - Anti-flood valves on internal building drainage.
 - External doors to have bespoke gaskets and seals to minimise the ingress of water into the dwelling
- 9.25 Overall, the proposal demonstrates the properties will be flood resilient and therefore, it is considered that the development passes the Exception Test.
- 9.26 The Environment Agency have been consulted and commented on the application. The proposed finished floor levels are 3.65m AOD, the EA are satisfied that this is

sufficient to minimise the risk of flooding. Additional flood resilient measures have also been included within the Flood Risk Assessment and would be conditioned as such should the application be approved.

- 9.27 Overall, the details in the submission demonstrate the properties will be flood resilient and provide wider sustainability benefits that outweigh flood risk as well as made safe for its lifetime and therefore considered to pass the Exception Test.
- 9.28 Yorkshire Water raised initial concerns in relation to a sewer that runs underneath the site however, this issue has subsequently been overcome through the submission of additional drainage information, and therefore there is no objection from Yorkshire Water subject to conditions.
- 9.29 Overall there is no concern in relation to drainage or flooding of the site thus the proposal accords with Policies 56 and 57 of the Local Plan.

Impacts on Trees

- 9.30 Local Plan Policy 32 states that proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided. There will be presumption against development that results in the loss or deterioration of ancient woodland and/or veteran trees. In addition, Local Plan Policy 33 supports proposals that take account of the quality, local distinctiveness and the sensitivity to change of distinctive landscape character areas and individual landscape features.
- 9.31 The Tree Officer has reviewed the planning application and does not object. The trees on site are to be retained but will likely be unaffected by the proposal, a condition has been proposed in relation to tree protection to ensure the trees would be protected during construction activities should the application be approved.
- 9.32 Therefore, subject to the necessary conditions, the development is acceptable against Local Plan Policy 32.

Ecology

- 9.33 Local Plan Policy 29 states proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks. Local Plan Policy 30 requires all applications to be considered against the mitigation hierarchy in accordance with National Policy. The Council use the DEFRA biodiversity metric to account for the impacts of a proposal on biodiversity and demonstrating that a net gain will be delivered. A minimum 10% net gain will be expected unless national standards increase this in the future.

- 9.34 The proposed development would occupy land which is an extended garden with the usual mix of grassland, trees, shrubs and probably some overgrown areas with a variety of small built structures. The ecologist has advised no biodiversity net gain assessment is required in this instance. Although a condition has been requested should the application is approved. In relation to ecological enhancements, that include functional provisions (roosting and nesting sites) extending into semi-natural habitat provision and the use of native species in tree and shrub planting proposed.
- 9.35 Overall, the development is considered to comply with Local Plan Policies 29 & 30 and there is no objection on ecological grounds.

Contaminated Land

- 9.36 Local Plan Policy 54 (A) requires an assessment of the risks to public health to be provided and assessed. Local Plan Policy 55 states that land suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate Preliminary Risk Assessment.
- 9.37 The Pollution Control Team have recommended conditions that would require a contaminated land assessment to be carried out and submitted prior to commencement of development, should permission be granted. This would ensure the satisfactory development of the site in terms of human health and the wider environment, in accordance with the National Planning Policy Framework.
- 9.38 Overall, subject to conditions, the development will comply with Local Plan Policies 54 & 55.

Conclusion on Environmental Issues

- 9.39 The development as proposed would present a 'cramped in' appearance contrary to Policy 44C of the Local Plan. The layout and siting of the proposed dwellings does not take reference from the wider area and would fail to add to the overall quality of the locality. The height and density of the development is not subservient to the host dwelling and therefore is not in accordance with Policy 44C of the Local Plan. Whilst the development is acceptable in terms of highways, ecology, drainage, trees and contaminated land this would not outweigh the harm caused by the proposed design/layout of the development. To conclude, the proposal is considered contrary to Local Plan Policies, 10, 41, and 44 of the Local Plan and this carries significant weight against the proposal.

SOCIAL SUSTAINABILITY

Residential Amenity

- 9.40 Local Plan Policy 44(A) states that developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours or the host property (including their private gardens), be over-bearing, or result in an unacceptable loss of garden space. In addition, Local Plan Policy 45 sets out a requirement that all new homes must meet the criteria in the Nationally Described Space Standards (“NDSS”)
- 9.41 Paragraph 130 of the National Planning Policy Framework seeks, amongst other things, to ensure developments will function well and promote health and well-being with a high standard of amenity for existing and future users.
- 9.42 Concerns in respect of potential impacts to privacy and residential amenity have been raised in the representations submitted, and in this section, these comments will be considered.
- 9.43 When considering living standards and residential amenity, separation distances are an important factor to ensure the existing and future occupants have adequate levels of privacy. The Transitional Developer Guidance states that a distance of 21m should be achieved (back to back) for 2 storey properties and no less than 12m front to front. The both properties sit a minimum distance of 21m from surrounding residential properties which minimises the potential for overlooking. There are two landing windows that are situated in the side elevation of each property, these windows do not serve habitable rooms and could be conditioned to be obscure glazed to prevent a loss of privacy for both the neighbouring properties and future occupier.
- 9.44 At ground floor a boundary fence divides the properties, meaning privacy will not be compromised.
- 9.45 In relation to garden sizes, the South Yorkshire Residential Design Guide (SYRDG) recommends the provision of at least 50sqm of private outdoor amenity space for 2-bedroom dwellings, and at least 60sqm of outdoor amenity space for 3-bedroom dwellings. The rear garden sizes proposed in this instance for each of the plots, these are as follows:
- Plot 1 = 115sqm
 - Plot 2 = 118sqm
 - Host dwelling = 115sqm
- 9.46 The rear garden spaces are substantial in size and are more than adequate for the number of bedrooms proposed in each property.
- 9.47 The rooms within each property would meet the requirements set out in Nationally Described Space Standards, which is acceptable. This would ensure that amenity of the future occupants will be maintained to an acceptable standard.

Conclusion on Social Impacts.

- 9.48 Overall, it is considered that the development demonstrates adequate separation distances, acceptable outdoor and indoor amenity spacing and the development will not have any unacceptable impacts on the surrounding residents, and this complies with Local Plan Policies 44(a) & 45 and NPPF section 12 and carries moderate weight in favour of the application.

10.0 ECONOMIC SUSTAINABILITY

- 10.1 It is anticipated that there would be some short-term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however, this is restricted to a short period of time and therefore carries limited weight in favour of the application.

10.2 Conclusion on Economy Issues

- 10.3 Para 8 a) of the NPPF (2021) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 10.4 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough and for that, reason weighs in favour of the development.

11.0 PLANNING BALANCE & CONCLUSION

- 11.1 The proposal conflicts with paragraph 134 of the NPPF (2021) in that it fails to reflect local design policies and government guidance on design. The proposal is not in accordance with the aforementioned relevant policies in the Local Plan and this weighs considerably against the application.
- 11.2 Whilst the proposal would have limited impact on neighbouring amenity, the proposal is not considered sympathetic to the character of the surrounding area in terms of its layout, scale and overall design. The development as proposed would present a 'cramped in' appearance contrary to Policy 44C of the Local Plan. In addition, the height and density of the development is not subservient to the host dwelling, also contrary to Policy 44C of the Local Plan. The layout and siting of the proposed dwellings does not take reference from the wider area and would fail to add to the overall quality of the locality thus conflicting with Policy 41 of the Local Plan.

12.0 RECOMMENDATION – REFUSE PLANNING PERMISSION

- 12.1 MEMBERS RESOLVE TO REFUSE PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT FOR THE FOLLOWING REASON:**

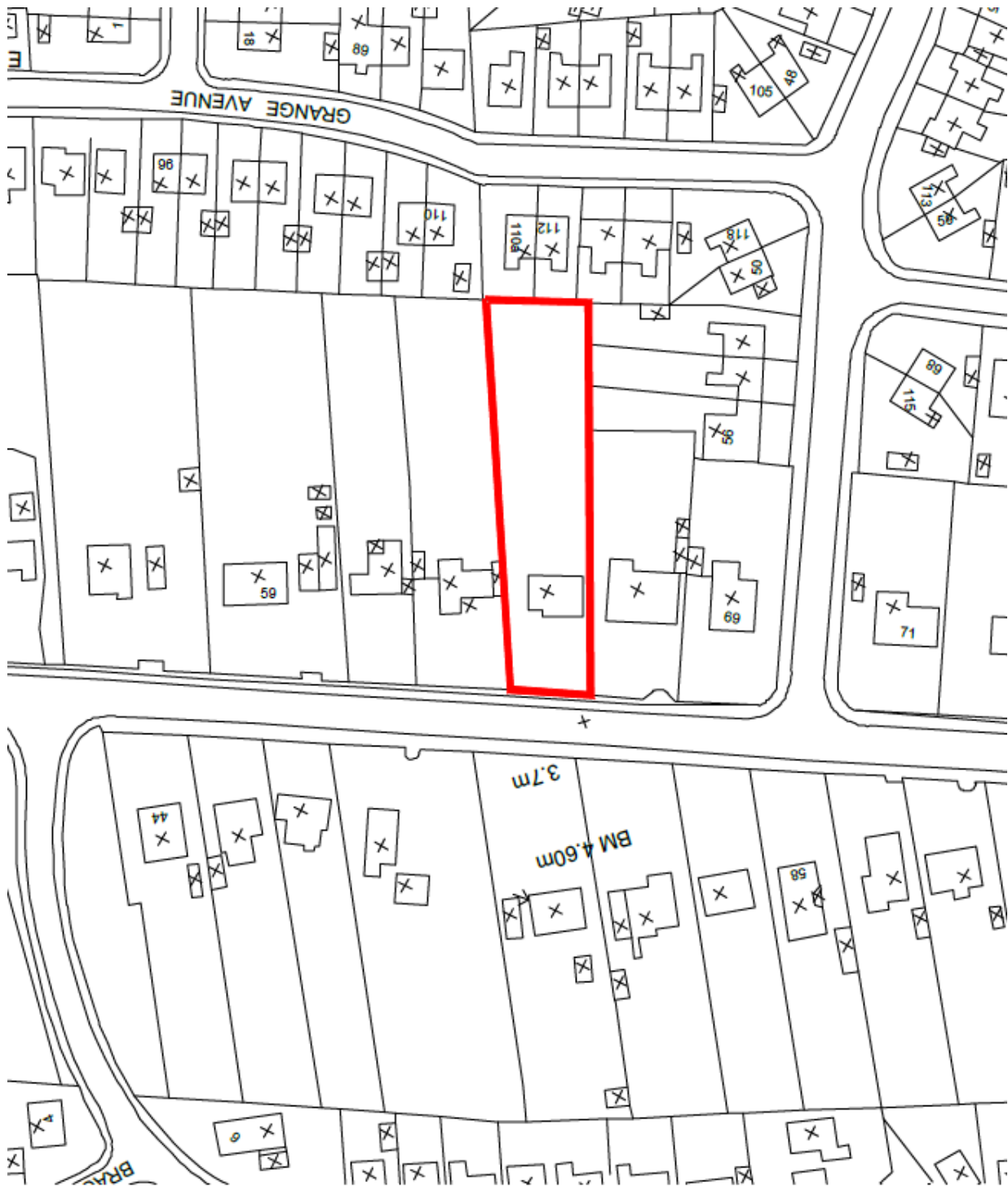
Conditions / Reasons

1. The proposed development will harmfully impact the character of the area by virtue of being an overdevelopment of the site and result of the 'crammed in' appearance. The proposed dwellings are inappropriate in terms of their scale and massing, which together with their layout and positioning introduces an over-dominating appearance, which is not in keeping with the street scene. The application proposal is therefore discordant with Policy 10- Parts A(2) and A(3); Policy 41- Part A, and Policy 44- Parts B and C of Doncaster Local Plan (adopted September 2021) and paragraph 134 of the National Planning Policy Framework (2021)

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence

APPENDIX 1 – Location Plan



LOCATION PLAN

APPENDIX 2 – Site Plan



PROPOSED BLOCK PLAN
Scale 1:200 @ A1

APPENDIX 3 – Existing and Proposed Street Scene

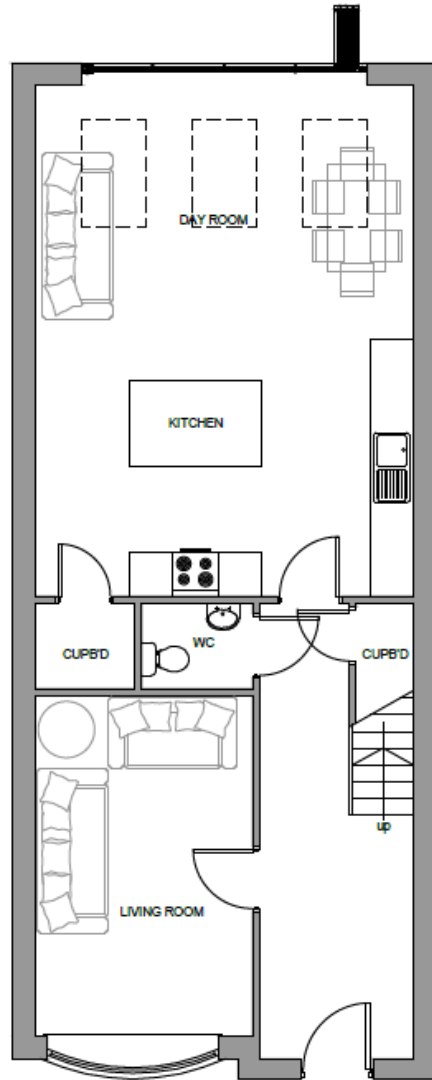


EXISTING STREET SCENE
Scale 1-200 @ A1

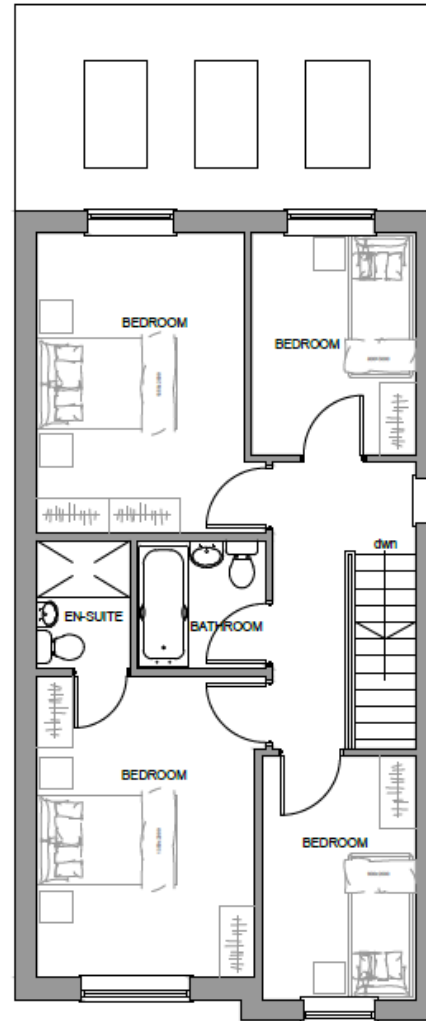


PROPOSED STREET SCENE
Scale 1-200 @ A1

APPENDIX 4 – Proposed Elevations and Floor Plans



PROPOSED GROUND FLOOR PLAN
(Plot 2 mirrored)
Scale 1-50 @ A1



PROPOSED FIRST FLOOR PLAN
(Plot 2 mirrored)
Scale 1-50 @ A1



APPENDIX 5 – List of conditions should permission be granted.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and documents listed below:

Proposed Plans – Drawing No 3749-02C – Amended 05/08/2022

Sequential and Exceptions Test – received 05/08/2022

REASON

To ensure that the development is carried out in accordance with the application as approved.

3. Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.

REASON

To ensure that the materials are appropriate to the area in accordance with policy 42 of the Doncaster Local Plan.

4. The development shall be carried out in accordance with the details shown on the submitted plan, "Surface Water & Foul Water Detailed Drainage Design' 3648 prepared by J Roberts, dated December 2022", unless otherwise agreed in writing with the Local Planning Authority.

REASON

In the interest of satisfactory and sustainable drainage

5. No development shall take place on the site until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a soft landscape plan; a schedule providing details of the species, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying and a timescale of implementation. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

In the interests of environmental quality and core strategy policy CS16: Valuing our Natural Environment

6. Before the first occupation of the building/extension hereby permitted, the side elevation landing windows indicated on the approved plans shall be permanently obscure to a level of obscurity to Pilkington level 3 or above or its technical equivalent by other manufactures. The window shall be permanently retained in that condition thereafter, unless otherwise approved in writing by the local planning authority.

REASON

To ensure that the development does not impact on the privacy of neighbouring residences.

7. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

REASON

To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.

8. Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

REASON

To ensure that adequate parking provision is retained on site.

9. Prior to the commencement of the development hereby granted a scheme for the protection of the root protection areas of the boundary hedgerows shown for retention on the approved plan that complies with clause 6.2 of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority. Hedgerow protection shall be implemented on site in accordance with the approved details and the local planning authority notified of implementation to approve the setting out of the hedgerow protection scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development. Thereafter, all hedgerow protection shall be maintained in full accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

REASON:

To ensure that all hedgerows are protected from damage during construction in accordance with Policy 32.

10. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.

- a) The Phase I desktop study, site walkover and initial assessment must be submitted to the LPA for approval. Potential risks to human health, property (existing or proposed) including buildings, livestock, pets, crops, woodland, service lines and pipes, adjoining ground, groundwater, surface water, ecological systems, archaeological sites and ancient monuments must be considered. The Phase 1 shall include a full site history, details of a site walkover and initial risk assessment. The Phase 1 shall propose further Phase 2 site investigation and risk assessment works, if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.

- b) The Phase 2 site investigation and risk assessment, if appropriate, must be approved by the LPA prior to investigations commencing on site. The Phase 2 investigation shall include relevant soil, soil gas, surface and groundwater sampling and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice. All the investigative works and sampling on site, together with the results of analysis, and risk assessment to any receptors shall be submitted to the LPA for approval.
- c) If as a consequence of the Phase 2 Site investigation a Phase 3 remediation report is required, then this shall be approved by the LPA prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.
- d) The approved Phase 3 remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The LPA must be given two weeks written notification of commencement of the remediation scheme works. If during the works, contamination is encountered which has not previously been identified, then all associated works shall cease until the additional contamination is fully assessed and an appropriate remediation scheme approved by the LPA.
- e) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

11. Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

12. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

13. The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

REASON

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

14. Within two months of the commencement of development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the local planning authority: Photographic evidence of implementation must be submitted the Local planning Authority.

•1 No. Bat box of the Beaumaris Woodstone type or similar is erected at a height and location on one of the new dwellings

•2 No. Swift boxes mounted in close proximity in a north east/north west orientation at maximum height.

•The use of native species in a landscape scheme which provides suitable habitat for a range of bird and other species

•Any new solid fences to have hedgehog access holes 13cmx13cm in two locations.

REASON

To ensure the ecological interests of the site are maintained in accordance with Local Plan policy 29

15. The development shall be carried out in accordance with the submitted flood risk assessment (ref 3749/02/DAS/DO, compiled by Building Link Design Architects) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.65 metres above Ordnance Datum (AOD).
- Resilience measures shall be implemented to at least 4.1mAOD (as detailed in the FRA).
- There shall be no ground floor sleeping accommodation

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON

To reduce the risk of flooding to the proposed development and future occupants

16. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON

To safeguard the amenities of the occupiers of the adjoining properties.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-

enacting that order) no additions, extensions or other alterations other than that expressly authorised by this permission shall be carried out without prior permission of the local planning authority.

REASON

The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policy 10 of the Doncaster Local Plan.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no development shall be carried out on any part of the land other than that hereby permitted without the prior permission of the local planning authority.

REASON

The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policy 10 of the Doncaster Local Plan.



30th May 2023

To the Chair and Members of the Planning Committee

APPEAL DECISIONS

EXECUTIVE SUMMARY

1. The purpose of this report is to inform members of appeal decisions received from the planning inspectorate. Copies of the relevant decision letters are attached for information.

RECOMMENDATIONS

2. That the report together with the appeal decisions be noted.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. It demonstrates the ability applicants have to appeal against decisions of the Local Planning Authority and how those appeals have been assessed by the planning inspectorate.

BACKGROUND

4. Each decision has arisen from appeals made to the Planning Inspectorate.

OPTIONS CONSIDERED

5. It is helpful for the Planning Committee to be made aware of decisions made on appeals lodged against its decisions.

REASONS FOR RECOMMENDED OPTION

6. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

7.

	Outcomes	Implications
	Working with our partners we will provide strong leadership and governance.	Demonstrating good governance.

RISKS AND ASSUMPTIONS

8. N/A

LEGAL IMPLICATIONS [Officer Initials SC Date 17/05/2023]

9. Sections 288 and 289 of the Town and Country Planning Act 1990, provides that a decision of the Secretary of State or his Inspector may be challenged in the High Court. Broadly, a decision can only be challenged on one or more of the following grounds:
- a) a material breach of the Inquiries Procedure Rules;
 - b) a breach of principles of natural justice;
 - c) the Secretary of State or his Inspector in coming to his decision took into account matters which were irrelevant to that decision;
 - d) the Secretary of State or his Inspector in coming to his decision failed to take into account matters relevant to that decision;
 - e) the Secretary of State or his Inspector acted perversely in that no reasonable person in their position properly directing themselves on the relevant material, could have reached the conclusion he did;
a material error of law.

FINANCIAL IMPLICATIONS [Officer Initials BC Date 17/05/2023]

10. There are no direct financial implications as a result of the recommendation of this report, however Financial Management should be consulted should financial implications arise as a result of an individual appeal.

HUMAN RESOURCES IMPLICATIONS [Officer Initials CR Date 17/05/2023]

11. There are no Human Resource implications arising from the report.

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 17/05/2023]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 17/05/2023]

13. It is considered that there are no direct health implications although health should be considered on all decisions.

EQUALITY IMPLICATIONS [Officer Initials JB Date 17/05/2023]

14. There are no Equalities implications arising from the report.

CONSULTATION

15. N/A

BACKGROUND PAPERS

16. N/A

CONCLUSIONS

17. Decisions on the under-mentioned applications have been notified as follows:-

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
22/00956/ADV	Display of a wall-mounted 48-sheet sized digital LED advertising unit at 47 Main Street, Mexborough, S64 9LU,	Appeal Dismissed 21/03/2023	Mexborough	Delegated	NO
22/00581/FUL	Re-building/re-construction of former waiting room/station building within the parameters of the existing concrete base and extensions to form independent dwelling; erection of outbuilding for games room/gym use; associated engineering works; formation of new highway access and parking area; reinstatement of railway tracks and other associated works. at 71 Cadeby Road, Sprotbrough, Doncaster, DN5 7SF	Appeal Dismissed 03/04/2023	Sprotbrough	Delegated	NO
22/00250/OUT M	Outline Planning Permission (including means of access only) for B2, B8 and Class E:(g) - Employment uses of 31,846 square metres for up to 52 units and parking at Land At Former Blaxton Quarry, Mosham Road, Auckley, Doncaster	Appeal Allowed 17/04/2023	Finningley		NO
22/01630/ADV	Display of an internally illuminated D-poster sign to replace the existing poster sign. at Advertising Right Corner Of Swan Street, Adj 39 Askern Road, Bentley, Doncaster	Appeal Dismissed 06/04/2023	Bentley	Delegated	NO
22/01663/FUL	Erection of two-storey rear and side extension and installation of gates (being resubmission of application dismissed under appeal under ref 21/01596/FUL on 20/05/22). at 2 Rectory Gardens, Wheatley, Doncaster, DN1 2JU	Appeal Dismissed 11/05/2023	Town	Delegated	NO

REPORT AUTHOR & CONTRIBUTORS

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Dan Swaine
Director of Economy and Environment

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Appeal Decision

Site visit made on 14 February 2023

by **C Dillon BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 March 2023

Appeal Ref: APP/F4410/Z/22/3304482

47 Main Street, Mexborough, Doncaster S64 9LU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Vivid Outdoor Media Solutions (B) Ltd against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 22/00956/ADV, dated 8 April 2022, was refused by notice dated 28 June 2022.
 - The advertisement proposed is described as the erection and display of a wall-mounted 45-sheet sized digital LED advertising unit.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has cited the National Planning Policy Framework and Policies 13 and 49 of the Doncaster Local Plan 2015-2035 in its decision notice. Whilst I have had regard to these as material considerations, the control of advertisements is exercisable only with respect to public safety and amenity. Consequently, these have not, themselves, been decisive in my determination.

Main Issues

3. The main issues are the effect of the appeal proposal on:
 - amenity, with particular regard to the character and appearance of the existing street scene; and
 - public safety, with particular regard to users of the local highway network.

Reasons

Character and appearance

4. The appeal site is an existing commercial premises which is situated to one end of Main Street on the edge of the Town Centre of Mexborough, one of Doncaster's Main Towns. The mixed-use, urban character and appearance of the appeal site's context is defined by its mining legacy and the prevalence of local businesses and adjoining residential terraced streets on either side of Main Street, in addition to the large retail unit opposite on Hartley Street. Although it serves a rural hinterland, the commercial character of the appeal site is heavily influenced by its existing use and the signage that relates to it and the surrounding commercial units. The appeal site does not fall within the context of any designated heritage assets.

5. The proposed digital advertising hoarding would be sited on the exposed gable end of No 47 Main Street, at first floor level. The location and orientation of the host property to one side of the roundabout, where Main Street, Hartley Street and Lower Dolcliffe Street intersect, means that this gable end is highly prominent on approach when travelling westwards along Main Street, in either direction along Hartley Street or on approach from Lower Dolcliffe Street. However, the presence of the appeal proposal would be confined to localised vantage points along these routes. The appeal proposal would be of an LED lit digital poster format which would display multiple advertisements on rotation. The appeal proposal's main receptors would be pedestrians, occupiers of vehicles using the local road network and facing properties.
6. The host gable end is devoid of any notable architectural features which would be obscured by the appeal proposal. The proposed unit would be centrally positioned with uniform spacing around it. Moreover, the ratio of exposed wall to advertisement coverage would not result in an overly domineering effect. The size and overall scale proposed is proportionate to that of its host
7. The proposed digital display would present static images only and changes between advertisements would take place instantaneously with no rapid changes, sequencing, fading, swiping, or merging of images. Such measures would ensure that any effect of transitioning of imagery is momentary. Diagnostics software would report any faults and turn the content black pending repair. Overall, I am satisfied that all of these matters could be controlled by way of appropriately worded conditions to achieve a display format which would not be jarring with the surrounding context.
8. The appeal proposal would be illuminated, and this would heighten its presence during hours of darkness. It would however be controlled by light sensors to vary the brightness of the screen according to the ambient lighting conditions up to 300cd/m². This level would not significantly increase luminance in the area above that level currently provided by the existing street lighting. In view of this, and given its orientation and distance from its neighbours, the appeal scheme would pose no notable risk of light to filter into nearby residential properties. There would be no perceivable differential in lighting levels from the appeal proposal to any of its receptors and an appropriate level of light omission would arise for this particular street scene at all times of the day.
9. By virtue of its location, size, operation display and design the appeal proposal would not be at odds with this mixed-use area and would not tip the balance so as to cause visual clutter for its main receptors. Crucially, although its presence would be clearly visually evident both day and night within this street scene, the proposed hoarding would be experienced within the context of the existing commercial premises and their associated signage which surround the appeal site. Overall, coupled with the separation distances and orientation with existing surrounding residential properties, I am satisfied that the appeal proposal will not harm existing living conditions of occupiers on surrounding properties in terms of visual amenity.
10. For these reasons, the appeal proposal would not be harmful to amenity, with particular regard to the character and appearance of the existing street scene.

Highway safety

11. The appellant's evidence appreciates that the purpose of the appeal proposal is to attract attention, but not at a point which becomes dangerous to the safe functioning of the highway. Nonetheless, the Local Highway Authority ("LHA") has opposed the particular appeal proposal by virtue of its location fronting onto traffic at a busy section of the highway network, near a roundabout junction.
12. The LHA has drawn attention to the Institute of Lighting Practitioners' Guide which advises that moving images, animation, video, or full motion images should not be displayed at locations where they could be seen by drivers in moving traffic and present a hazard. However, the LHA has not demonstrated that the changing images that would be accommodated within the advertisement unit would constitute animation. Moreover, I am satisfied that the proposed display unit would be located so as not to obstruct vision or hinder the interpretation of highway signs or signals. Being served by a mini roundabout with 4 entrances and exits, this is not a particularly complex junction, and the speed limit here is not high.
13. Nonetheless, on-comers would experience the appeal proposal during the extent of their approach to this roundabout junction within which it would be visible. During that time its content would have changed. The small scale of the roundabout junction means that it will be prone to the slowing down, halting and pulling off of vehicles within a very concentrated area. Moreover, the submitted evidence confirms this to be a busy route. When coupled with the change in imagery, the site-specific circumstances of this edge of town centre location mean that there is a realistic prospect that road users could become unduly distracted. In the absence of convincing evidence to the contrary, and despite the commercial characteristics of this part of Mexborough, I find that this particular set of circumstances could be prejudicial to public safety even when highway users are taking reasonable care for their own and others' safety.
14. Although my attention has been drawn to a previous poster hoarding in a similar position and size to that proposed, this elevation is currently free of any existing features. In any event that advertisement did not feature frequently changing content. Consequently, the appeal scheme represents a significant visual change which may not be expected by users of this particular part of the local highway network. Therefore, the previous site history does not influence my assessment of the effects on public safety arising from the specific appeal proposal before me. For these reasons, the appeal proposal would have a realistic prospect of being harmful to public safety, with particular regard to users of the local highway network.

Conclusion

15. Despite the absence of harm to amenity and the environmental and economic benefits advanced by the appellant, the identified harm to public safety is not outweighed. Therefore, I conclude that this appeal should be dismissed.

C Dillon

INSPECTOR

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Appeal Decision

Site visit made on 7 February 2023

by **M J Francis BA (Hons) MA MSc MCIfA**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2023

Appeal Ref: APP/F4410/W/22/3308740

71 Cadeby Road, Sprotbrough, Doncaster, DN5 7SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Shane Miller against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 22/00581/FUL, dated 3 March 2022, was refused by notice dated 10 June 2022.
 - The development proposed is described as:
 1. the re-building/re-construction of the former Waiting Room within the parameters of the existing concrete base in accordance with the previously approved plans ref 21/00211/FUL to form a dwelling;
 2. Subterranean development adjacent to the building in accordance with the previously approved plans ref 21/00211/FUL to provide 3 bedrooms, a bathroom and a lounge;
 3. Erection of a glass canopy to the rear of the building along the platform in accordance with the previously approved plans ref 21/00211/FUL;
 4. Erection of a detached outbuilding roadside to form an entrance and games room in accordance with the previously approved plans ref 21/00211/FUL;
 5. Associated engineering works; formation of new highway access, parking area extending over the track; reinstatement of railway tracks and other associated works in accordance with the previously approved plans ref 21/00211/FUL.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst planning permission was granted¹ for the conversion of the waiting room to a dwelling, plus the other proposals as set out in the description, the waiting room, apart from two brick chimneys, has been removed. There is no dispute between the parties that there is no extant planning permission in place.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and the effect of the proposal on the openness of the Green Belt;
 - Whether the proposal provides adequate drainage measures; and

¹ 21/00211/FUL

- If the development is inappropriate, whether the harm by reasons of inappropriateness, and any other harm, would be clearly outweighed by other considerations as to amount to the very special circumstances required to justify the proposed development.

Reasons

Inappropriate development and openness

4. Policy 1 of the Doncaster Local Plan (DLP), September 2021, seeks to preserve the openness and permanence of Doncaster's Green Belt; and requires national planning policy to be applied including the presumption against inappropriate development except in very special circumstances. Paragraph 149 of the Framework states that the construction of new buildings is inappropriate in the Green Belt. As the waiting room has been removed, the re-building of this, plus the other extensions and proposals would be considered to be a new building in the Green Belt.
5. Paragraph 149 does, however, list several exceptions which can be applied, some of which been cited in this appeal. This includes c) which allows for an extension or alteration to a building. This would not apply in this case as the original building has been removed. Exception d) relates to the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces. However, as the waiting room was previously used as storage, ancillary to No 71 Cadeby Road, and therefore not in the same use, this exception is also not applicable. Consequently, the only exception that can be considered in this appeal is g) for the 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would 'not have a greater impact on the openness of the Green Belt than the existing development'.
6. I saw from my visit that the site included not only the waiting room, but also the platforms, and the former site of the rail track. Whilst the site had been overgrown, it has largely been cleared of vegetation, and these features are clearly identifiable. Like the appeal case at Wellow, Newark, identified by the appellant, therefore, the site can be classified, in the terms of the Framework, as 'previously developed land'.
7. The original building on the site has, however, been removed. Therefore, the rebuilding of the waiting room, plus the large subterranean development with roof garden, erection of detached outbuilding, glass canopy and engineering works, would result in built development, where there is currently none. Whilst this would be in a linear form within the confines of the previous building and adjacent platform areas, it would result in a more extensive development than that previously existed on the site. The proposed development, would, in spatial terms, have an adverse effect on the openness of the Green Belt.
8. Although the proposal is on previously developed land, the appellant contends that as much of the proposal would be underground, it would not result in overdevelopment. However, the construction of the boundary wall, the outbuilding, and the glazed link, plus the reconstructed waiting room, would be visible from the adjoining road, which would cause considerable visual harm to the openness of the Green Belt.

9. The appellant considers that the proposal would protect the Green Belt from inappropriate development in the future. However, changing the site to a domestic dwelling would result in a more intensive form of development than currently exists, with an increase in activity, including vehicle movements in and out of the proposed entrance, and the domestic paraphernalia that would result from the permanent occupation of the site. This would have a harmful effect on the openness of the Green Belt in this location, in visual terms.
10. Whilst the proposal may present no clear conflict with the purposes of the Green Belt, as set out in the Framework, the relevant test in paragraph 149 g) relates to openness. In this regard, the proposal would have a greater impact than the existing development and as such it would not meet any of the Green Belt exceptions and would not accord with Policy 1 of the DLP.

Adequate drainage

11. Policy 56 of the DLP requires satisfactory information to be provided as to the drainage impacts of wastewater and surface water run-off. An accurate drainage plan showing where the sewage treatment plant would be located has not been provided, and there is a lack of clarity as to where surface water will be disposed of.
12. The appellant contends that as this is a technical element requiring a specialist consultant to carry out investigations on the site, pre-commencement conditions in relation to the drainage system would be appropriate. However, as a clear solution has not been demonstrated, I cannot be satisfied that adequate drainage measures can be provided. Therefore, the proposal would not accord with Policy 56 of the DLP and chapter 14 of the Framework.

Other considerations

13. The site, including the waiting room and the platforms is listed as a Locally valued (undesigned) heritage asset in the Sprotbrough Neighbourhood Plan (NP), September 2021. The waiting room was considered to be a rare survivor of a small railway structure and apparently the only remaining example of a slate and timber Victorian railway building in the Doncaster area. However, despite the retention and restoration of the heritage asset being cited as a justification for allowing the previous permission, the waiting room has now been removed, with the remaining structure being supported by scaffolding. This presents obvious concerns about the deterioration of the remains, health and safety issues and the overall appearance of the site.
14. Whilst the building was found to have structural issues caused by rotten timber, it has not been demonstrated that there was any meaningful attempt to retain key structural parts of the building. Although I saw that some of the materials from the building are stored on the site, it is not clear how much of the original material can be reused and whether the new building would be an exact copy of the original. In any case, the waiting room would be a replica of what had originally been there. Therefore, despite expressions of support for the proposal, the benefits in terms of the conservation and retention of a heritage asset, as cited in the original planning permission, no longer apply in any meaningful way and so I give this no weight.
15. Although the reconstruction of the waiting room, as part of the railway history of the site, is considered to provide a benefit to the bid for the creation of the

- headquarters of the Great British Railways in Doncaster, a clear link to this has not been demonstrated. I therefore give this limited weight.
16. Whilst, regenerating a derelict site would provide some benefits to biodiversity and landscape enhancement, based on the size of the development, this would be relatively small-scale. However, I give moderate weight to these benefits.
 17. The proposal would provide some economic benefits in the supply of materials for the development, and the employment of construction workers, but this is only a limited, short-term benefit. Although the appellant considers that the proposal would provide a good-sized, innovatively designed dwelling, the Council currently has more than a 5-year housing land supply and therefore the provision of one new house, however well designed, would be of very small benefit.
 18. Although the appellant is prepared to have a pre-commencement condition to provide detailed construction drawings and a material schedule, and conditions in relation to other technical issues, such as drainage, these would only provide mitigation for potential impacts and are therefore neutral in the planning balance.
 19. The appellant has referred to an appeal at Prestbury Lodge, Prestbury, relating to replacement buildings and limited infilling in villages within the Green Belt which were assessed against paragraph 145 (now 149) d) and e) of the Framework. I have found that paragraph 149 g) is relevant in this appeal, and the site is not within a village. Therefore, this is not comparable and does not direct me to determine the current appeal in any other way.

Green Belt balance

20. The Framework confirms that the Government attaches great importance to Green Belts. Substantial weight should be given to any harm to the Green Belt, and I have found that the proposal is inappropriate, having a greater impact on openness than the existing development. This substantial harm to the openness of the Green Belt must therefore also receive substantial weight.
21. The Framework confirms that inappropriate development should not be approved except in very special circumstances. It goes on to confirm that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Given the weight that I have ascribed to them, the totality of other considerations that have been advanced in this case, do not clearly outweigh the harm to the Green Belt and from the lack of a drainage strategy that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

22. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.

23. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR

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Appeal Decision

Inquiry Held on 14-15 and 17 February 2023

Site visit made on 16 February 2023

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2023

Appeal Ref: APP/F4410/W/22/3310101

Former Blaxton Quarry, Mosham Road, Doncaster, DN9 3EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr T Waddington of Ernest V Waddington Ltd against the City of Doncaster Council.
 - The application Ref 22/00250/OUTM, is dated 2 February 2022.
 - The development proposed is described as "*outline planning permission including means of access for B1 B2 E:g employment uses - 31,846 square metres for up to 52 units, and parking*".
-

Decision

1. The appeal is allowed and planning permission is granted for B2, B8, and E:g employment uses - 31,846 square metres for up to 52 units and parking at Former Blaxton Quarry, Mosham Road, Doncaster, DN9 3EJ in accordance with the terms of the application, Ref 22/00250/OUTM, dated 2 February 2022, subject to the conditions set out in the attached schedule.

Applications for Costs

2. Applications for costs were made by both Mr T Waddington of Ernest V Waddington Ltd against the City of Doncaster Council, and by the City of Doncaster Council against Mr T Waddington of Ernest V Waddington Ltd. These applications are the subject of separate Decisions.

Procedural Matters

3. The application is in outline. In this regard, the means of access falls to be considered at this stage, whereas layout, scale, appearance, and landscaping are reserved for future consideration. Whilst layout is not fixed at this stage, a drawing showing an indicative layout has been submitted and I have had regard to this in determining the appeal.
4. The application form states that the proposal is for "*B1 B2 E:g employment uses*". However, this appears to be a typographical error as there is no longer a B1 use class. Moreover, both the appeal form and the statements of common ground refer to the proposal as being for B2, B8 and E:g uses. The Council also consulted on the proposal on that basis. Accordingly, I have referred to those uses in my formal decision, above.

Background and Main Issues

5. In this case, both the Council and appellant agree that the appeal should be allowed. However, there is a dispute between the parties regarding whether the proposal should provide compensatory provision for the loss of the existing priority habitat at the site, and 10% biodiversity net gain. In this regard, a s106 agreement has been submitted that would secure these as obligations, subject to a 'blue pencil' clause. This clause states that these obligations shall only apply and be enforceable if I were to find that they meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy ('CIL') Regulations 2010. It is the appellant's position that these obligations do not meet the Regulation 122 tests.
6. In that context, the main issue is whether compensatory habitat and 10% biodiversity net gain are necessary in order to make the proposal acceptable in planning terms, having regard to:
 - (a) Whether the proposal would be contrary to the development plan without it;
 - (b) The effect of providing these obligations on the viability of the proposal; and
 - (c) If the proposal is contrary to the development plan without compensatory habitat and 10% biodiversity net gain, whether there are material considerations that indicate that the proposal should be determined other than in accordance with it.

Reasons

Whether contrary to the development plan

7. The majority of the appeal site consists of Open Mosaic Habitat on Previously Developed Land, which is a priority habitat under s41 of the NERC Act 2006. It is common ground that the appeal proposal would result in significant harm to this existing priority habitat.
8. Policy 30 of the Doncaster Local Plan (2021) sets out the Council's approach to biodiversity and geodiversity. Part B of this policy states that proposals which harm a priority habitat will only be supported where certain criteria are met. In this regard, 5 criteria are listed under part B, and these are subject to differing interpretations by the Council and appellant respectively.
9. The 5 criteria listed under part B are set out in a numbered list. These criteria are separated by semi-colons, with the word 'and' inserted after the last semi-colon at the end of criterion 4, and with a full stop at the end of criterion 5. This is a common method of punctuating bullet points where the list as a whole is intended to form a complete sentence. At no point is the word 'or' used to imply that part B of the policy can be satisfied if only one or more of the criteria are met. Conversely, the use of the word 'and' after the last semi-colon indicates that each of the 5 criteria should be met (insofar as they are relevant) in order for a proposal to be considered acceptable. I further note that this method of punctuating bullet points/numbered lists is used throughout the National Planning Policy Framework ('the Framework') in situations where all of the listed criteria are intended to apply.

10. The appellant's interpretation of Policy 30 is that it is supportive of proposals that accord with criteria 4 and 5 of Part B only. However, part A of the policy clearly states that "all proposals shall be considered in light of the mitigation hierarchy in accordance with National Policy" (my emphasis). In this regard, I do not accept that the words "shall" or "in light of" imply that this is discretionary, and "shall" typically means that something certainly will or must happen. Moreover, under the appellant's interpretation Policy 30 would be at odds with paragraph 180 a) of the Framework, which states that "*if significant harm to biodiversity resulting from a development cannot be avoided ... , adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*". In my view, such an interpretation would be directly contrary to national policy rather than providing an explanation of how it is to be applied locally.
11. The Doncaster Local Plan (2021) has only recently been adopted. In this regard, the examining Inspector's Report clearly states that it was necessary to modify Policy 30 in order to ensure consistency with national policy. Accordingly, it seems highly unlikely that the examining Inspector shared the appellant's interpretation of the final version of Policy 30, which would be at odds with national policy.
12. In light of the above, I conclude that the proposal must comply with part A and criteria 1-5 of part B (insofar as they are relevant) in order to accord with Policy 30. With regard to the mitigation hierarchy, it is agreed that the harm to the existing priority habitat cannot be avoided or entirely mitigated onsite. Accordingly, compensatory provision is necessary, and is capable of being secured via the submitted s106 agreement.
13. Separately, it has been put to me that even if the proposal were contrary to Policy 30, then it would still be in accordance with the development plan when considered as a whole. In this regard, the appeal site is allocated for employment purposes in the Doncaster Local Plan (2021), being listed at Table E7. Moreover, Policy 2 sets out that at least 481 hectares of employment land are to be delivered over the plan period to 2035. The explanatory text to this policy further states that the Plan aspires to achieve a 1% job growth rate and that sufficient land is allocated to meet this target. The proposal would also make appropriate provision for access by sustainable modes of transport, as required by Policy 13. These policies clearly lend support to the principle of developing the site for employment purposes. The proposal would also be capable of complying with Policies 46, 54, 55, and 56 in relation to design, energy efficiency, pollution, remediation, and drainage.
14. Notwithstanding this, Policy 30 is a strategic policy in the Local Plan that is explicitly linked to requirements in national policy. There is also no fundamental tension between it and the other Local Plan policies highlighted above, and they are not pulling in different directions in this case. In this regard, each of these policies is capable of being met were the proposal to secure compensatory habitat and a 10% biodiversity net gain. Accordingly, I consider that without these contributions the proposal would not accord with the development plan when considered as a whole.
15. For the above reasons, I conclude that compensatory habitat and 10% biodiversity net gain are necessary for the proposal to accord with the development plan. In the absence of this provision, the development would be

contrary to Policy 30 of the Doncaster Local Plan (2021), and guidance set out in the Biodiversity Net Gain Supplementary Planning Document (2022).

16. Separately, my attention has also been drawn to the emerging Auckley Neighbourhood Plan. This has recently been examined, although the Examiner's final report had not been published at the time of the Inquiry. Whilst the Neighbourhood Plan has not yet been made, there is nothing in it at this stage that would give support to the proposal not providing compensatory habitat and 10% biodiversity net gain.

Viability

17. The appellant has submitted an Independent Viability Appraisal Report (Mercer & Co, 30 November 2022) in support of the appeal. This concludes that the proposal has a negative viability of -£6,539,342. Accordingly, it is asserted that public funding will be necessary to bring the site forward. In this regard, there is significant uncertainty as to whether any such funding would cover the cost of compensatory habitat and a 10% biodiversity net gain, which the appellant estimates would cost in the region of £750,000.
18. A number of assumptions underpinning the appellant's Viability Appraisal are disputed. In this regard, the Council's view is that the scheme has a positive viability of £7,640,823, which represents a difference of around £14.2 million between the parties. Around half of this difference is accounted for by the assumed yield, with the appellant using a figure of 6% and the Council advocating for 5%. At the Inquiry, the appellant stated that economic uncertainty and rising interest rates have led to higher yields compared to 6-12 months ago. Moreover, it was asserted that higher interest rates are likely to persist into the future. However, the long-term direction of interest rates and the wider economy are highly uncertain at this stage. This uncertainty is magnified in this case by the development timescales for the proposal, which the appellant states is likely to be built out over around 10 years. In this regard, the yields that will apply at the time different phases come forward are very difficult to predict accurately at this stage.
19. Another significant element in the difference between the parties relates to build costs. In this regard, a number of assumptions have been made in relation to the size and type of the units proposed, and the uses they are likely to be put to. This includes assumptions about external infrastructure costs, external wall to floor ratios, etc, and the economies of scale that could be generated by a development of this size. However, layout and scale are not fixed at this stage and the application would allow for both a multi-phase scheme of small-to-medium sized units, or a single phase of 1 or more large units, amongst other scenarios. In this regard, a single phase of development would be likely to achieve significantly higher savings through economies of scale. Moreover, 1 or more larger units would be likely to have lower build costs than a series of small-to-medium sized units. Many of the cost assumptions that were debated at the Inquiry are therefore highly speculative at this stage and will become clearer once detailed proposals come forward.
20. The appellant has also assumed that around 57% of the site could be used for open storage purposes in order to calculate the Benchmark Land Value. However, for the reasons set out below, the precise area that could be used for these purposes without planning permission is highly uncertain. Moreover, any necessary fencing, lighting or gating on the part or parts of the site where open

storage was considered lawful may require planning permission, which would trigger Policy 30 of the Local Plan. Accordingly, I consider the appellant's assumed Benchmark Land Value to be based on flawed assumptions, regardless of whether a 30% premium uplift is applied.

21. Taken together, these factors account for the vast majority of the difference between the parties. Accordingly, it is very difficult to reach a precise view regarding viability at this stage given the uncertainties that apply. However, the cost of providing compensatory habitat and a 10% biodiversity net gain (£750,000) is small in the context of a Net Development Value of between £36,612,959 (the appellant) and £44,160,856 (the Council). This equates to around 2% of the Net Development Value, which is significantly below other costs that are assumed for the scheme. On balance, and based on the available evidence, I consider that a contribution of this size is unlikely to compromise the viability of the proposal. Moreover, if when detailed proposals are formulated a different or more certain viability picture emerges then it would be open to the appellant to seek to develop the scheme without the biodiversity contribution at a later stage.
22. For the above reasons, I conclude that the effect of providing compensatory habitat and 10% biodiversity net gain are unlikely to undermine the viability of the proposal.

Other material considerations

23. The proposal would involve the re-use of a previously developed site that is allocated for employment purposes in the Local Plan. It would also remediate the site and would improve its appearance when viewed from Mosham Road. The proposal would also be in a relatively accessible location, would deliver off-site highway improvements, and would be constructed to high energy efficiency standards. I attach significant weight to these benefits.
24. The development would also deliver around 31,846 square metres of employment uses in up to 52 units. The appellant states that it has the potential to generate 766 new jobs and accommodate up to 52 new businesses together with 361 person years of employment construction during that phase. In addition, the proposal would generate £351.3 million GVA in net present value terms over the 10 year period following completion. This would make a significant contribution to the local economy and to the economic objectives of the Local Plan, in what is acknowledged to be a relatively deprived area. Accordingly, I also attach significant weight to these benefits.
25. In addition, it is asserted that the proposal would provide a mix of small and medium sized units that would help to diversify the City's stock of employment premises. In this regard, it was highlighted that take up in recent years has been dominated by larger B8 storage and distribution uses. My attention was also drawn to a consultation response from the head of service for Business Doncaster, who stated that the City "*has a shortage of available stock of the size and quality of units proposed*". However, the appeal proposal is in outline at this stage and layout and scale are reserved matters. It is therefore unclear precisely what form the eventual development will take and the submitted layout plan is indicative only. Moreover, the permission would allow for a large single B8 use. Given these uncertainties, I attach only limited weight to this consideration at this stage.

26. My attention has also been drawn to the recent closure of Doncaster Sheffield Airport and the associated job losses to the local area, which are significant. However, the future of the airport is unclear at this stage, and the Council's evidence states that it is considering a compulsory purchase so that it remains an operational airport. Alternatively, if the airport use were to permanently cease, then the Council state it would be developed for employment uses. Moreover, it is unclear to what extent airport job losses would be mitigated by the appeal proposal, given the appellant states it is likely to be developed out over a 10 year period. In these circumstances, I consider that the closure of the airport carries only limited weight in favour of the appeal proposal.
27. The appeal site benefits from a Certificate of Lawful Use for "*use of quarry and use of land for storage of oils, plant, vehicles, equipment, scrap metals and timber: vehicle repairs, repair of heavy goods vehicles, plant and equipment; retail sales of bitumen, gravel, and minerals not extracted from the site; processing of sand, gravel, clay, tarmac and bricks*". This was granted on appeal in September 2007 (Ref APP/F4410/X/06/2030860), and it restricts particular uses to specific areas of the site. However, the plan accompanying that Certificate has since been lost and no party has been able to locate it. Moreover, ponds and buildings that are referred to in that Certificate are no longer present. Accordingly, it is unclear precisely which of these uses was considered to be lawful on which parts of the site.
28. The potential to resume an open storage use under the Certificate of Lawful Use was discussed at the Inquiry. Whilst it is unclear on which part of the site this use was considered lawful, it is also unclear whether such a use could resume without other works that would require planning permission. In this regard, large sections of the site are mounded or do not comprise hardstanding and any regrading works would be likely to require planning permission. Similarly, any necessary fencing, lighting or gating on the part or parts of the site where open storage was considered lawful may also require planning permission. In combination, these uncertainties call into question the likelihood that an open storage use could resume on the site without planning permission, thus avoiding the need to comply with Policy 30. I further note that the Certificate states that "*the primary use of the whole site is for the winning and working of minerals, including ancillary uses*", which suggests open storage uses existed on a minority of the site. I therefore attach only limited weight to this as a fallback position. In any case, and as set out above, I do not consider that the provision of compensatory habitat and 10% biodiversity net gain would make the scheme unviable such that any fallback option would be likely to be pursued.
29. The appellant states that the existing Open Mosaic Habitat is likely to deteriorate over the next 10-20 years as it is slowly colonised by taller species such as birch. In this regard, it is contended that such species would be likely to shade out many of the early successional species that comprise the Open Mosaic Habitat. However, the Council's ecology witness considered that this was speculative and that the site could also change into an Acid Grassland, which is of at least equal value to an Open Mosaic Habitat. In this regard, the extent and scope of any future changes are uncertain at this stage and would in any case take many years to materialise. Accordingly, I attach only limited weight to this consideration.

30. I return to the matters raised in this section in my 'Planning Balance and Conclusion', below.

Other Matter

Planning obligation

31. A signed and dated s106 agreement has been submitted that relates to biodiversity net gain, a submitted Framework Travel Plan, and local training and employment. With regard to the provisions relating to local training and employment, these are necessary in order to accord with Local Plan Policy 3 C). Compliance with the submitted Framework Travel Plan for the development is also necessary in order to encourage sustainable travel to and from the site. In addition, and given my findings above, I consider that the contribution in relation to compensatory habitat and biodiversity net gain is necessary in order to comply with Local Plan Policy 30 and paragraph 180 of the Framework. Moreover, I am satisfied that each of these contributions are directly related to the development and are fairly and reasonably related in scale and kind to it.

Conditions

32. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. The standard time limit condition for submission of reserved matters is adjusted to 7 years due to both the scale of the development and the prospect that it will come forward in multiple phases. Conditions requiring the proposal to accord with the approved plans insofar as they relate to access and specifying the details to be provided at reserved matters stage, are necessary in the interests of certainty and to ensure a satisfactory development.

33. A condition requiring the submission of a timetable for the implementation of the proposed access and offsite highway works is necessary so that these works are in place to serve the development. A further condition requiring the submission and approval of a Landscape and Ecological Management and Monitoring Plan is necessary to ensure that the proposed onsite habitats are appropriately managed and monitored. A condition requiring the submission of a tree protection plan and an arboricultural method statement is also necessary to protect retained trees during the construction process. Further conditions relating to contamination, a drainage strategy, and groundwater, are necessary to ensure that the site is appropriately remediated, drained, and that the risk of polluting controlled waters is minimised. Another condition requiring the submission and approval of a Construction Method Statement is necessary in the interests of highway safety and neighbouring residential amenity during the construction phase. Conditions requiring the submission and approval of schemes relating to renewable energy supply and a BREEAM 'Very Good' rating are necessary to accord with Policy 46 of the Doncaster Local Plan (2021). A condition relating to development within 10 metres of the water main is also necessary to protect the public water supply. These conditions are pre-commencement in nature as they will either inform the construction process or relate to works below ground level. As required by Section 100ZA(5) of the Town and Country Planning Act 1990, the appellant has agreed to these conditions in writing.

34. A condition requiring the submission and approval of Construction Environmental Management Plan(s) is necessary in order to protect wildlife

during the construction process. Further conditions relating to cycle parking and waste management are necessary to ensure that such facilities and arrangements are in place to serve the proposed development. Other conditions relating to drainage management and maintenance, and air quality, are necessary to ensure that the approved drainage systems are maintained and impacts on air quality mitigated. Conditions relating to development within 20 metres of the railway line, and vibro-compaction machinery, are also necessary given the site's proximity to the railway line and the need to protect this during the construction phase.

35. Conditions relating to piling and unanticipated contamination are necessary to ensure that there is no unacceptable risk to groundwater and to remediate any additional contamination discovered during the construction phase. A further condition relating to the piped discharge of surface water is necessary to ensure that surface water is not discharged prior to the installation of the proposed drainage systems. Finally, conditions relating to industrial noise and activity are necessary to protect the living conditions of neighbouring residential occupiers.
36. Other conditions suggested by the Council relating to a phasing plan, finished floor levels, internal roads and footways, and development within 10 metres of a watercourse are unnecessary as they relate to layout and appearance, which are reserved matters. A suggested condition relating to electronic vehicle charging points is also unnecessary as this is subject to Part S of the Building Regulations, which took effect on 15 June 2022. A further suggested condition relating to audible movement warning systems is unnecessary as the submitted Environmental Noise Impact Assessment (ADT, 22 October 2021) found that this source of noise would have no observed adverse effect.

Planning Balance and Conclusion

37. In the absence of compensatory habitat and a 10% biodiversity net gain, the proposal would result in significant ecological harm. It would be contrary to the development plan in this regard. Moreover, I have found that this provision would be unlikely to render the development unviable.
38. In these circumstances, the benefits arising from the proposal, even when taken together, would not outweigh the failure to comply with the development plan. In any case, and given my findings in relation to viability, these benefits would be likely to arise from a policy compliant scheme in any event.
39. I therefore conclude that compensatory habitat and a 10% biodiversity net gain are necessary in order for the proposal to be acceptable in planning terms. Accordingly, I consider that the appeal should be allowed on that basis.

Thomas Hatfield

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any phase of development takes place and the development shall be carried out as approved.
- 2) Application(s) for approval of the reserved matters shall be made to the Local Planning Authority not later than 7 years from the date of this permission.
- 3) Each phase of the development hereby permitted shall commence not later than 2 years from the date of approval of the last of the reserved matters for that phase.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to access:
45592/001 Rev A (Site Location Plan)
ADC2791-DR-001 Rev P1 (Proposed Site Access Junction)
ADC2791-DR-002 Rev P2 (Proposed Mosham Road/Gatehouse Lane Junction Mitigation)
ADCX2791-DR-003 Rev P1 (Access Junction Layout & Gatehouse Lane Junction Mitigation Proposals)

Pre-commencement conditions

- 5) No development shall take place until a timetable has been submitted to and approved in writing by the Local Planning Authority for the implementation of the following works:
 - i) The provision of the vehicular access into the site as shown on drawing Ref ADC2791-DR-001 Rev P1; and
 - ii) The provision of on and off site improvements to the Mosham Road/Gate House Lane junction, as shown on drawing Ref ADC2791-DR-002 Rev P2.The works shall be carried out in accordance with the approved timetable.
- 6) No development shall take place until a Landscape and Ecological Management and Monitoring Plan for proposed onsite habitats has been submitted to and approved in writing by the Local Planning Authority. The Monitoring Plan shall detail the following:
 - i) The baseline biodiversity assessment against which the biodiversity unit value will be monitored as detailed in the Biodiversity Impact Assessment (Weddle Landscape Design, December 2022);
 - ii) The biodiversity unit targets;
 - iii) A detailed adaptive management plan setting out how onsite habitats will be created or enhanced (together with timescales for their creation or enhancement) and setting out the proposed ongoing management for a minimum of 30 years;
 - iv) The details of when the target condition will be achieved and how it shall be maintained;
 - v) A detailed monitoring plan that will be used to inform any potential changes to the ongoing management and assess the progress towards achieving the target condition. This shall outline the surveys that will be used to inform condition monitoring reports. Monitoring

reports will be provided to the Local Planning Authority before the end of years 1,2,5,10,15, 20, 25 and 30 of the monitoring period;

- vi) The roles, responsibilities and professional competencies of the people involved in implementing and monitoring the biodiversity net gain delivery; and
- vii) Details of how the ecological enhancement opportunities identified in the Ecological Impact Assessment (Weddle Landscape Design, August 2022) shall be secured on the site.

The approved Ecological Management and Monitoring Plan shall thereafter be implemented in full accordance with its terms. Any subsequent changes to management as a result of findings from the monitoring reports shall be agreed in writing with the Local Planning Authority.

- 7) No development shall take place until a drainage strategy for the site has been submitted to and approved by the Local Planning Authority. The approved strategy shall thereafter be implemented as part of each phase of the development. Foul and surface water drainage systems shall be implemented prior to the first occupation of each building.
- 8) No phase of the development subject to an approved reserved matters application shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

- 9) No phase of the development subject to an approved reserved matters application commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
 - i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.

- 10) No phase of the development subject to an approved reserved matters application shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority before the relevant phase of development is occupied.
- 11) No phase of the development subject to an approved reserved matters application shall commence until an Environmental Management Plan ('EMP') based on a full groundwater risk assessment has been submitted to and approved in writing by the Local Planning Authority. The EMP shall include:
- i) identification of potential sources of groundwater pollution, potential pathways for the movement of contaminants, identification of receptors, and appropriate mitigation measures;
 - ii) details of construction methods including the depths of excavations for foundations;
 - iii) details of the construction and maintenance of any soakaways or other means of draining surface water via infiltration and ponds including the means of ensuring that in the event of leakage from any battery storage area pollutants will not discharge into ground;
 - iv) temporary surface water controls to ensure that no surface water generated during construction of the development are discharged to ground; and
 - v) details of any liquid storage tanks and necessary mitigation measures.

The development shall thereafter be implemented in accordance with the approved EMP.

- 12) No phase of the development subject to an approved reserved matters application shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) the identification of delivery routes that avoid the use of Gate House Lane level crossing;
 - iii) the identification of a construction access point and a swept path analysis for the largest construction vehicle to enter the site;
 - iv) loading and unloading of plant and materials;

- v) storage of plant and materials used in constructing the development;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during construction;
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- ix) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 13) No phase of the development subject to an approved reserved matters application shall commence until a scheme (including an implementation timetable) to secure at least 10% of its energy supply from renewable sources, or equivalent carbon emission reductions, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed in accordance with the implementation timetable and shall thereafter be retained.
- 14) No phase of the development subject to an approved reserved matters application shall commence until a scheme to secure a BREEAM 'Very Good' rating has been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of each building within that phase, a post-construction review demonstrating that this rating has been achieved shall be submitted to and approved in writing by the Local Planning Authority.
- 15) All surface water run-off from the site, except roof water, shall be discharged via a suitable oil/petrol/grit interceptor. No phase of the development subject to an approved reserved matters application shall commence until details of how this shall be achieved for that phase have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of that phase of development.
- 16) No development within 10 metres of the water main along the southern edge of Mosham Road shall take place until details of measures to protect it during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be adhered to throughout the construction process.

Prior to the submission of each reserved matters application

- 17) On or before the submission of each subsequent reserved matters application(s) a Construction Environmental Management Plan ('CEMP') relating to biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall cover badgers, bats, birds, amphibians, other terrestrial mammals and reptiles, and shall include:
 - i) A risk assessment of construction activities in relation to wildlife and habitats informed by the Ecological Impact Assessment (Weddle Landscape Design, August 2022) and updated protected species surveys where necessary;
 - ii) Details of all reasonable avoidance measures to be employed on the site;

- iii) A lighting plan detailing the specification, location and orientation of the proposed external lighting to avoid disturbance or adverse effects on light-sensitive species, including bats;
- iv) An invasive species management plan relating to Japanese knotweed and New Zealand pygmyweed;
- v) The use of protective fencing and wildlife safety measures clearly marked on site plans; and
- vi) Plans for a record to be kept by an Ecological Clerk of Works of operations and monitoring activities carried out under the CEMP. This record shall be made available to the Local Planning Authority on request both during and after the construction period.

The development shall thereafter be implemented in accordance with the approved CEMP.

Pre-occupation conditions

- 18) Prior to the first occupation of any building, details of secure cycle parking facilities for that building shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be installed and made available for use prior to the first occupation of the building and shall thereafter be retained for that purpose.
- 19) Prior to the first occupation of any building, a Drainage Management and Maintenance Plan for that building and its curtilage shall be submitted to and approved in writing by the Local Planning Authority. The drainage system for foul and surface water shall be managed and maintained for the lifetime of the development in accordance with the approved Drainage Management and Maintenance Plan.
- 20) Prior to the first occupation of any building, an Air Quality Mitigation Plan for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. This shall calculate damage costs and demonstrate how they have been utilised to offset vehicle emissions during the lifetime of the development. The approved plan shall thereafter be implemented prior to the first occupation of that building.
- 21) Prior to the first occupation of any building, a Waste Management Plan for that building shall be submitted to and approved in writing by the Local Planning Authority. Waste and recycling bins shall thereafter be stored and made available for collection in accordance with the approved plan.

Other conditions

- 22) No development shall take place within 20 metres of the railway boundary fence until a Construction Methodology Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include:
 - i) Details of the construction methodology, including earthworks, foundations and excavations, use of crane, plant and machinery, drainage and boundary treatments for development within 20 metres of the railway boundary fence;
 - ii) Details of scaffolding (including protective netting) to be installed within 20 metres of the railway boundary fence; and
 - iii) Details of any temporary construction compound within 20 metres of the railway boundary fence.

- The development shall thereafter be carried out in accordance with the approved Construction Methodology Statement.
- 23) Prior to the use of vibro-compaction machinery in any phase of the development, details of this machinery and a method statement shall be submitted to and approved in writing by the Local Planning Authority. These works shall thereafter be carried out in accordance with the approved method statement.
 - 24) Prior to the use of piling or any other foundation designs using penetrative methods on any part of the site, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that there would be no resultant unacceptable risk to groundwater. The development shall thereafter be carried out in accordance with the approved details.
 - 25) Any contamination that is found during the course of construction of the development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the relevant phase of development is resumed or continued.
 - 26) No piped discharge of surface water from the development shall take place prior to the completion of the approved surface water drainage works.
 - 27) No outdoor industrial activity, apart from loading and unloading, shall be undertaken.
 - 28) No indoor industrial activity shall be undertaken whilst external doors are open, apart from when they are open for access or loading/unloading purposes.
 - 29) The rating level of sound emitted from industrial activities at the site shall not exceed background sound levels at any time. All measurements shall be made in accordance with British Standard BS 4142: Methods for rating and assessing industrial and commercial sound.

APPEARANCES

FOR THE APPELLANT:

Richard Kimblin KC, No 5 Chambers

instructed by JVH Town planning
Consultants Ltd

He called:

Janet Hodson BA (Hons), Dip. TP. MRTPI

Paul Mercer BSc MRICS

Nick Wales BSc MRICS

Neil Northrop BA DipLD CMLI MArborA

JVH Town planning Consultants Ltd

Mercer & Co

Knight Frank

Weddle Landscape Design

FOR THE LOCAL PLANNING AUTHORITY:

Philip Robson, Kings Chambers of Counsel

instructed by City of Doncaster
Council

He called:

Alyn Nicholls BA (Hons) MRTPI

Ramsay Evans BA (Hons) MRICS

Dr Helen Markland BA MRes PHD CIEEM

Alyn Nicholls

Turner Morum LLP Chartered

Surveyors

City of Doncaster Council

INQUIRY DOCUMENTS

- ID1 Appellant's list of appearances
- ID2 Series of emails between the Council and the appellant
- ID3 Appellant's opening statement
- ID4 Council's opening statement
- ID5 LOGIC: South Yorkshire & North East Derbyshire 2022 Review (Knight Frank), January 2023
- ID6 Expanded table to Appendix H1 of Paul Mercer's Proof
- ID7 Email from Chris Dungworth dated 1 March 2022
- ID8 Pertemps Investments Limited v Secretary of State for Communities and Local Government
- ID9 Appellant's costs application
- ID10 Council's costs application
- ID11 Council's costs application response
- ID12 Council's closing submissions
- ID13 Appellant's closing submissions
- ID14 Appellant's costs application response



Appeal Decision

Site visit made on 28 March 2023

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2023

Appeal Ref: APP/F4410/Z/22/3310328

Land adj to 39 Askern Road and corner of Swan Street, Doncaster DN5 0JB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Wildstone Group Limited against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 22/01630/ADV, dated 23 June 2022, was refused by notice dated 6 October 2022.
 - The advertisement proposed is replacement of existing externally illuminated poster advertisement display with internally illuminated D-poster.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address provided in the application form was amended by the Council decision notice. I have updated the site address accordingly to provide certainty of the location. I am satisfied that the interests of the parties are unaffected by those necessary changes that I have made.
3. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The parties have drawn my attention to policies of the Doncaster Local Plan 2015-2035 (LP), adopted September 2021, considered to be relevant to the appeal. This includes the Council identifying in the decision notice that they consider that the proposal fails to accord with Policy 49 of the LP. I have taken the policies and consultation responses to the application into account as material considerations, in so far as they are relevant to amenity and public safety.

Main Issue

4. The main issue is the effect on public safety.

Reasons

5. The appeal site is in a corner position located on the inside of a bend in the alignment of Askern Road (A19) at its junction with Swan Street and adjacent to the gable end of a row of terraced dwellings. The immediate surroundings on the western side of Askern Road are residential, whilst the opposite side of the road is more mixed with commercial premises on the corner with Daw Lane and a Lidl supermarket, with associated car parking and signage to the south.

6. The site currently has an externally illuminated 48-sheet billboard for display of static advertisements with its own supporting structure that forms part of tall fencing up to around half its height and is fronted by a grassed area enclosed by low boundary mesh fencing which adjoins the respective footways. Based on the evidence before me, the existing billboard has been in place for over ten years and benefits from deemed consent. The existing billboard has an angled position towards the viewpoint of motorists and passers-by approaching in a southerly direction along Askern Road and entering the junction with Swan Street. As such the size, scale and siting of the proposed advertisement display of itself would not result in additional harm to the character and appearance of the area when compared with the existing billboard or in terms of visual clutter. Furthermore, although the LED internally illuminated nature of the proposal with changing of advertisements displayed would differ from the existing billboard, its positioning against a backdrop of residential properties and existing fencing in a location with a variety of signage along this section of Askern Road, including commercial and retail signs on the opposite side, would ensure that it would not appear unduly dominant or out of place.
7. Notwithstanding the above, Policy 49 of the LP relates specifically to advertisements and signage and amongst other things, it seeks that they are well designed and managed to ensure they do not have a negative impact on public safety. Of relevance in that respect, the policy indicates that advertisements and signage will be supported where they ensure that they do not interfere with footpath or highway safety or cause any other safety hazard. In those regards, the PPG indicates that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. The PPG goes on to identify the main types of advertisement which may cause danger to road users. The list includes, amongst other things, those which because of their size or siting would be likely to distract road-users because of their unusual nature. In addition, it also refers to internally illuminated signs (incorporating either flashing or static lights), including those utilising LED technology, where the means of illumination is directly visible from any part of the road and which are subject to frequent changes of display. The proposed LED digital advertisement display would be exactly the type of advertisement referred to. However, the PPG relating to advertisements does not mean that all LED internally illuminated signs would be harmful to public safety. Therefore, the circumstances of the site and surroundings are necessarily considered below.
8. The section of Askern Road where the site is located is a heavily trafficked single carriageway route in each direction with footpaths and street lighting, a 30mph speed limit and includes the junction with Swan Street adjacent and those serving Daw Lane and Redbourne Road on the opposite side of the road. The position of the sign on the inside of a bend in Askern Road largely limits views when approaching until after the junction with Daw Lane to the north whilst a subsequent bend limits views of the road ahead beyond the Lidl supermarket to the south. The lane dividers around the bend include chevrons to separate the traffic lanes and to protect those turning right into each junction, with on-street parking typically within laybys to the south of the site and in marked areas to the north of the Swan Street junction. The highway arrangements are complicated by the presence of a bus stop with on-road markings located on the opposite side of the road between the Daw Lane and Redbourne Road junctions and directly opposite to the Swan Street junction,

together with a pedestrian refuge island immediately after the bus stop that fronts the site.

9. Having driven along Askern Road during my late-morning site visit and also observed vehicles overtaking stationary buses both to turn right into Swan Street and to continue their journey along the A19, it was evident that the complicated highway arrangements accommodating vehicles that are both changing speed and stationary, and where pedestrians are also crossing, requires high levels of concentration with due care and attention for other road users. In that regard, the evidence before me indicates that three accidents have been recorded in the locality in the most recent five-year period available, each resulting in slight injury to road users. Based on my own observations, I consider that it is reasonable that further distractions resulting in even momentary lapses in road user concentration could increase the risk of accidents.
10. The existing advertisement is a well-established feature in this location and has not been identified as having influenced the recorded accidents close by. The positioning of the proposed advertisement would result in similar viewpoints for those primarily travelling in a southerly direction and turning right into Swan Street. In that respect, when approaching the site from the north, the existing advertisement is slowly revealed from behind intervening buildings after passing the junction with Daw Lane. Although its presence comes as somewhat of a surprise amongst terraced buildings, it is not unduly distracting given the static nature of the existing externally illuminated advertisement and the presence of more abundant signage associated with the Lidl supermarket which has totem signs, fascia signs and externally illuminated billboards which draw the eye as part of the backdrop to the road ahead. However, to my mind, the introduction of an internally illuminated LED 48-sheet sign displaying a variety of regularly changing images in this location would alter the existing situation.
11. The proposal would not obstruct visibility from existing junctions and there are no traffic signals in the immediate vicinity. However, due to the addition of LED illumination and particularly the regularly changing images in this location, it would be much more likely than the existing advertisement to draw the eye of motorists during moments when road users are required to exercise care and attention to keep themselves and others safe. As such, the LED illuminated changes in imagery would introduce a potentially harmful distraction for road users travelling south along Askern Road to already complicated highway arrangements with a resultant increased risk of accidents and, therefore, an unacceptable detrimental impact upon highway and pedestrian safety.
12. I have taken into account that, in addition to the standard conditions, the appellant has suggested a condition to restrict the level of illumination to thresholds contained in the Institute of Lighting Professionals guidance document PLG05 as controlled by light sensor. Other conditions are suggested in terms of static images to be displayed only; changes between adverts to take place instantly, and advertisements to change no more frequently than once every ten seconds. The appellant has also indicated that content would be controlled and monitored in real time with most maintenance issues dealt with remotely. Further potential conditions have also been suggested in terms of requiring the sign to be switched off between 00:00 and 05:00 hours and to further limit the illumination during hours of darkness to 100cd/sq.m. However, to my mind, the regular changing of imagery in this location could distract road

users at other times of the day and even at lower levels of brightness and therefore, the unacceptable detrimental impact on highway and pedestrian safety could not be adequately mitigated by these measures. As such I find that the proposal could not be made acceptable through use of conditions.

13. In reaching the above findings I have also noted that the Transport for London document 'Guidance for Digital Roadside Advertising and Proposed Best Practice' (March 2013), sets out guidance in relation to the siting and operation of digital advertising which is aimed at minimising potential distraction. Associated calculations are provided and seek to demonstrate that a minimum display duration of five seconds would be appropriate for signage visible for approximately 65m to southbound traffic. However, the full document has not been provided and I cannot be certain that it provides unqualified support for all digital advertisements. In any case, the PPG advises that advertisements in locations where drivers need to take more care are more likely to affect public safety. In that context, I have found the regular changing of advertisement displayed to be unsuitable in the specific locational circumstances of this case.
14. I have taken account of evidence of a similar replacement sign in Warrington and the Axis Highways Technical Note dated October 2022 which, amongst other things, includes case studies of locations in Manchester (x3), Portsmouth and Bristol where LED signs have been in place for several years with little effect on the frequency and severity of accidents. Nonetheless, the evidence associated with those examples of similar signs in prominent positions within heavily trafficked locations do not lead me to consider that they replicate the specific circumstances and highway arrangements of the location subject of this appeal or the harm to public safety that I have identified.
15. I conclude that the proposed advertisement would harm public safety, due to its potential to cause distraction and an increased risk of accidents which reflects an unacceptable impact on highway safety. Whilst the development plan policies are not determinative, the proposal conflicts with the aims of Policy 49 of the LP insofar as relevant to public safety considerations. It would also conflict with the aims of the Framework and the PPG in that respect.

Other Matters

16. The appellant has identified benefits of the proposal including: an overall reduction in adverts; reduction in vehicle trips for reposting adverts; reduced waste; the ability to broadcast emergency messaging and non-commercial campaigns; opportunities for more locally relevant advertising, and potential to integrate hardware to meet Smart City objectives. Whilst such benefits may arise and are typically associated with similar displays elsewhere, relevant considerations under the Regulations are limited to the impact on issues of amenity and public safety. I have found that the proposal is harmful and unacceptable in relation to matters of public safety and it follows that the appeal should not succeed.

Conclusion

17. For the reasons given above, I conclude that the proposed advertisement would harm public safety and therefore, the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR



Appeal Decision

Site visit made on 13 March 2023

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 May 2023

Appeal Ref: APP/F4410/D/22/3312342

2 Rectory Gardens, Wheatley, Doncaster DN1 2JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Muscroft Gosden against the decision of Doncaster Council.
 - The application Ref: 22/01663/FUL, dated 08 July 2022, was refused by notice dated 27 September 2022.
 - The development proposed is described as the Erection of two-storey rear and side extension and installation of gates.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on:
 - a) The living conditions of No.4 Rectory Gardens with regard to overlooking; and,
 - b) Highway safety

Preliminary Matters

3. I have been made aware that since my site visit, 1.8m high railings have been erected along the roadside boundaries of the site, with a photograph provided showing the railings in situ. It is understood that these railings were granted under a previous planning permission. The Local Planning Authority have confirmed that they have no objection to me accepting this factual development. As such, I consider that no party is prejudiced by my consideration of this point of clarity.

Reasons

Living Conditions

4. Policy 44 of the Doncaster Local Plan 2015-2035 (2021) requires that development must protect existing amenity and not significantly impact the living conditions of neighbours. The Transitional Developer Guidance (2022) identifies that where a habitable room window overlooks a neighbouring garden space, these should normally be positioned at least 10 metres from the site

boundary. I acknowledge that this is guidance only but it is, nonetheless, an indication of what may be acceptable.

5. The proposed first floor window serving bedroom 4, would be sited 8.5m from the site boundary with No.4 Rectory Gardens and as such would not meet the above guidance. A single storey outrigger is located to the rear of No.4 which contains side facing windows. Adjacent to the outrigger is the main area of private amenity space serving that property which is narrow and limited in area. The lack of existing boundary treatment of any substantial height means that there would be direct views into the side windows of the outrigger, and the limited private amenity space of that property. Furthermore, I have observed that the appeal site is set at a slightly higher land level than No.4 Rectory Gardens. I consider the land level changes would make the presence of the proposed window within the extension even more apparent, and that the proposal would result in significant overlooking to the detriment of the living conditions of occupants living in that property.
6. I acknowledge that a fence could be erected along the site boundary under permitted development rights and that a panel of Heras fencing has been positioned along the boundary which the appellants indicate to be circa 2m in height i.e. what could be done under permitted development. On my site visit, I observed the relationship from an existing first floor window in the side elevation and found that some views into the side windows could be achieved if a solid fence were to be erected at the same height as the heras fence. The proposed extension would bring a first floor window in the region of 5.5m closer to No.4 Rectory Gardens. This would increase the views from the bedroom into the neighbouring property, and also the degree of overlooking into the private amenity space. Again, the change in land levels would not favour this relationship. Therefore, I am not persuaded that the erection of a fence would sufficiently address the concern identified.
7. The Council's delegated officer report makes reference to a similar proposal that was previously considered at appeal. I do not have full details of those proposals or the full assessment made by the Inspector, but I understand the relationship to be the same as the first main issue before me. That appeal was dismissed on the grounds of the impact on the living conditions of No.4 Rectory Gardens through overlooking and I have no reason to deviate from that view.
8. For the above reasons, I consider that the proposed development would have an unacceptable effect on and the living conditions of No.4 Rectory Gardens through overlooking. Therefore, the proposals would be contrary to policies of the Development Plan identified above.

Highway Safety

9. The Council raise no objection to the proposed 2m high pedestrian gate, and I have no reason to disagree.
10. On my site visit I observed the existing vehicular gates and previous boundary railings to be low level with reasonably good visibility achievable. However, I am mindful that 1.8m high railings along the Rectory Gardens boundary have subsequently been erected. While there may be some visual permeability

through the railings, the height of the boundary treatment is likely to have lessened the standard visibility on exiting the site. I consider that the addition of a 2m high access gate could, when opened, further obscure the achievable visibility onto Rectory Gardens, when exiting the site by car, which could be to the detriment of vehicular and pedestrian safety. While Rectory Gardens is a cul-de-sac and vehicular and pedestrian movements may not be frequent this does not lessen the concern that I have identified.

11. The reason for refusal refers to lack of information with regard to the proposed gates. The proposals provide no precise elevational details of the design of the vehicular gates, their width, any visibility splays to be provided and how the gates would interact with the existing 1.8m high railings, with particular regard to permeability. I have limited detail to confidently assess the proposals. Therefore, and with regard to the observations that I have made above, I am in agreement with the Council that there is insufficient information to satisfactorily determine whether the development would provide safe access and egress from the site. As this is a matter of public safety I do not consider that consideration of such a matter should be conditional, and the absence of any comments from the Highway Authority does not alter my conclusions in this regard.
12. In the absence of such information, I find that the development would be contrary to Policy 13, which requires that development does not have an unacceptable impact on highway safety, and Policy 44 which requires points of access to be safe.

Other Matters

13. I have had regard to the other considerations advanced by the appellant. I do not consider that the use of a bedroom should be treated in a lesser manner than other habitable rooms, and the Development Plan makes no such distinction either. Furthermore, I am also not convinced the proposed layout is the only feasible internal configuration and agree with the Council that the issue of overlooking could possibly be overcome by an alternative internal layout or design. While I note the concern with regard to outlook and the relationship with St Marys Nursing Home to the north, I note that a new first floor window serving bedroom 3 is proposed to face towards this site. Therefore, I am not persuaded by the argument for this relationship not being acceptable for bedroom 4.
14. Reference has been made to other development in the area which result in overlooking, however I have no details of the spacing provided or the circumstances under which these developments were constructed. In any event I have considered the appeal proposal on its merits.
15. With regard to the first main issue, I am mindful that a letter of support has been received from the existing occupants of No.4 Rectory Gardens. While the existing occupants may have no issue with the proposals I am required to ensure that living conditions for future occupants is acceptable, not just those of existing occupants.

16. The proposed extension is required to meet the needs of a person who has the 'protected characteristic' of disability for the purposes of the public sector equality duty under s149 of the Equality Act 2010. I am sympathetic to these circumstances, and while it would be advantageous to provide such accommodation, I can only attach moderate weight in favour of the providing a development which would improve the quality of life for its occupants, particularly having regard to other internal layouts and design configurations that may be achievable. I consider that this, and any other public benefits, do not outweigh the harm that the development would cause in relation to the main issues. Therefore, it is proportionate and necessary to dismiss the appeal.

Conclusion

17. For the above reasons, the development conflicts with the Development Plan when considered as a whole, and there are no material considerations which outweigh the harm identified. Therefore, the appeal is dismissed.

D Cleary

INSPECTOR



Doncaster
Council

Doncaster Metropolitan Borough Council Planning Enforcement Quarterly Report March 2023

Introduction

This report provides Doncaster Metropolitan Borough Council's Planning Enforcement performance in the fourth quarter of 2022/23.

<u>Case Updates – Fourth Quarter (1st January – 31st March 2023)</u>	
Total Cases Still Under Investigation as at end of March 2023.	141
Total Cases Recorded in the fourth Quarter (1 st January – 31 st March 2023)	132
Total Cases Closed Down in the fourth Quarter (1 st January – 31 st March 2023)	330

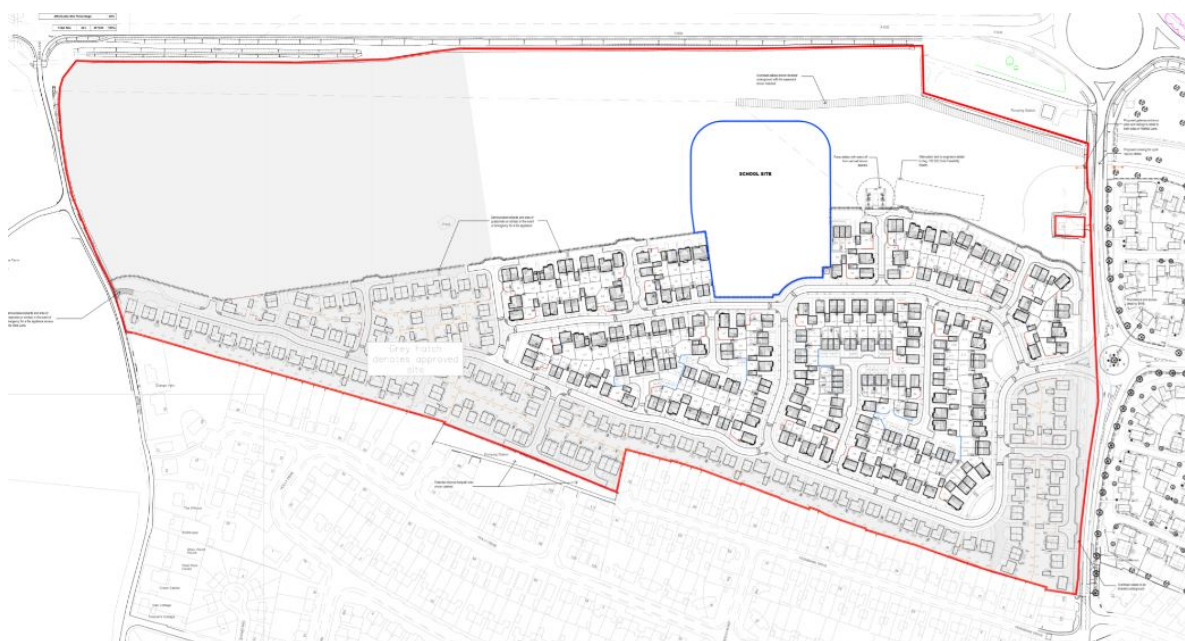
Prosecution Cases.

The Corner Pocket

As mentioned in previous quarterly reports, a complaint was received regarding the erection of a building to the side of the Corner Pocket, Bank Street, Mexborough. After the owner failed to comply with two enforcement notices a prosecution file was submitted to the courts and the case was heard at Sheffield Crown Court on the 10th February 2023. Mr Eyre was found guilty and fined £6,500 for breach of the enforcement notices and ordered to pay £7,000 prosecution costs. Mr Eyre has subsequently submitted a planning application to replace the wall at the front boundary which is currently remains invalid.

Notices Served.

Land North West of Hatfield Lane, Armthorpe



A case was registered following a report from Highways Enforcement that mud was being deposited on the highway when vehicles were exiting the part of the site currently being developed by Stonebridge Homes. Pre-commencement conditions had not been implemented relating to a previously application 16/02224/OUTM - Outline application for the erection of residential development of up to 400 dwellings, Primary School, Open Space including green wedge, formal open space and children's play areas, landscape works including retained and new woodland planting, principle of access from Hatfield Lane, internal road network, cycle and pedestrian network, provision of utilities, drainage and necessary diversions and demolition and any engineering and ground remodelling works (All Matters Reserved).

It was decided that there was sufficient concern that the mud deposits would prove harmful to the highway network. A Temporary Stop Notice (TSN) was served on 19th

January 2023. The notice was effective when served on the developer for a period of 28 days, which expired on 16th February 2023. The requirements of the notice were:

“Cease any and all vehicular movements associated with construction activities on the Land which result in mud and debris being deposited onto the highway from vehicles entering or leaving the Land.”

During the period that the notice was effective, a number of site visits were undertaken by both Planning and Highways Enforcement to check that compliance with the notice was being achieved.

18 Carr Lane, Bessacarr



As stated in previous quarterly reports, a 1.73 metre high timber fence was erected on the side boundaries of the front garden at 18 Carr Lane, Bessacarr. The fence fell outside the relevant permitted development rights as it exceeded 1 metre in height adjacent to the highway.

Highways Development Control were not supportive of the height of the fence as it restricted visibility onto the highway.

An enforcement notice was served on the 11th November 2022 requiring the height of the fence panels located adjacent to the highway to be reduced to 1 metre. The notice took effect on 23rd December 2022 and a compliance period of 1 month was been provided.

(Update 03/03/2023)

A site visit was undertaken on 3rd February 2023, which found that the fence panels adjacent to the highway have been reduced in compliance with the enforcement notice and the case has now been closed.

15 Stable Gardens, Sprotbrough

It was highlighted in a previous quarterly report that a care business was operating from 15 Stable Gardens in Sprotbrough, which had resulted in an unauthorised change of use from a dwelling house to an office.

A planning application for the retrospective change of use was refused as it was identified to have an adverse impact on residential amenity.

An Enforcement Notice was served on 28th September 2022 requiring the use of the property as a care business to cease. The notice took effect on 26th October 2022 from which the owner had 3 months to cease the commercial use of the property as an office.

An internal inspection of the property on 6th March 2023 confirmed that the commercial use of the property had ceased as required by the enforcement notice.

The Old School - Barnby Dun.



On the 30th May 2022 a complaint was received from the Trees and Hedgerows Officer in relation to development taking place before the approved planning permission (20/00769/FUL) pre commencement conditions, had been discharged. Concerns were raised that protected trees were being damaged without the required protection methods being put in place.

A site visit was carried out on the 30th May 2022, where evidence was gathered that work had taken place without the necessary requirements as stipulated in the planning permission. Immediately a telephone discussion was held with the developer and they were advised not to carry out any further work until the conditions have been discharged, this was also confirmed in writing to them on the same day.

Despite Planning Enforcements warning, work commenced on the site and a Temporary Stop Notice and a Breach of Condition Notice were served on the developer and on the site, on the 10th June 2022. All activities were to cease immediately until the conditions have been discharged. The Temporary Stop Notice expired on 8th July. No application to discharge conditions has been received and the site is being monitored.

(Recent Update 13th April 2023):

An application to discharge the conditions 22/02033/COND was received on the 2nd September 2022 for the consent, agreement or approval required by conditions 3 (Samples of materials), 4 (Drainage details), 5 (Tree protection), 6 (Tree replacement), 7 (Site surfaced and sealed) and 8 (Vehicle turning space) of planning

application 20/00769/FU. Condition 4 of this application has been discharged however the remaining conditions have not yet been determined for discharge.

Wynmoor, York Road, Bentley



A complaint was received on the 22nd August 2022 regarding the alleged unauthorised erection of sheds, to the rear of the property. A site visit was conducted where officers established that the owners had erected a number of wooden structures as living accommodation in order to extend the property. The extensions took up most of the rear garden and the owner was advised that it was over development of the land and that it would require planning permission. Though it would be unlikely to be supported. The owner subsequently submitted a retrospective planning application 22/02517/FUL for the retention of part of the extension on the 15th November 2022, which was granted on the 27th March 2023.

Following this approval an enforcement notice was served on 30th March 2023, which comes into effect on the 18th May 2023. The compliance date is 18th August 2023 where the owner is required to remove all remaining structures.

Bethel House, Moss Road, Moss



A complaint was received regarding the alleged unauthorised selling of caravans and display of advertisements, at Bethel House, Moss Road. A site visit was carried out where it was identified that a large number of caravans were for sale at the front and the rear of the property. On the 4th March 2022, a letter was sent to the owner giving 28 days to remove the caravans as an application would not be supported as the property and land sit within the Countryside Policy area. On the 6th May 2022, a retrospective planning application 22/01034/FUL was received. This application was refused on the 30th November 2023. This decision has been subsequently appealed through the Planning Inspectorate AP23/00005/REF and awaiting a decision.

An enforcement notice was served on the 30th March 2023, which comes into effect on the 18th May 2023, though this will be held in abeyance until the Planning Inspectorate has made their decision on the appeal for the refused planning permission.

48 Jubilee Road, Wheatley



A complaint was received regarding the alleged unauthorised conversion of a single dwelling into 3 flats. On the 29th April 2022, a letter was sent to the owners, informing them that planning permission is required as the property sits within the Article 4 Directive area. On the 16th May 2022, a retrospective planning application 22/01194/COU was received for the change of use from a residential property to self-contained flats. This application was refused on the 24th January 2023, so an enforcement notice has been served on the property on 30th March 2023, which comes into effect on the 15th May 2023 and the owners have until the 18th September 2023 to comply and revert the property back to a single dwellinghouse.

Appeals.

No appeals outcomes to report in this quarter.

Section 215 Notices.

74 Westerdale Road, Scawsby



On 27th June 2022 a complaint was received regarding the poor condition of the residential property.

A site visit was conducted which established that all the wooden windows to all elevations were either rotten or have flaking white paint, the front wooden door was rotten in places and paint flaking off. The rear garden was also heavily overgrown with 3 vehicles on the drive which were unused and had detritus around the windows and brake pads. All other properties on the street are well maintained therefore this property is having a detrimental effect on the amenity of the neighbourhood.

Standard letters were sent out requiring works to be completed to improve the condition however these requests were not complied with. On 17th March 2023 a Section 215 Notice was served on the owner which required them to carry out the following works;

Windows and Doors

- i. Rotten sections of timber on the windows to the front and rear elevation should be removed and repairs carried out to match the existing appearance. If found to be beyond economic repair, then replace the windows in their entirety to exactly match the existing windows in design, detail and material.

- ii. The window frame, cills, lintels and front door should be cleared of loose and flaking paint to a sound base and redecorate in accordance with the paint manufacturer's instructions using an external gloss paint to match the existing (or otherwise agreed) colour scheme.

Rear Garden

- iii. Clear the rear garden of all overgrown vegetation and dispose of the resultant materials in an appropriate manner. iv. Prune overgrown trees and hedges in the front and rear garden and dispose of the resultant materials in an appropriate manner.
- iv. Ensure that regular inspections are made to the premises, the land within the residential curtilage and maintain these on an on-going basis, so as not to cause further detriment to the amenity of the surrounding area.

The Notice comes into effect on 20th April 2023 and the owner has until 19th June 2023 to comply. A site visit will be carried out following expiry of this notice to check for compliance.

99 Allenby Crescent, Rossington



A complaint was received on 20th June 2022 regarding the poor condition of the front and rear garden to a residential property.

A site visit was conducted which found that the front garden was overgrown however the rear garden was heavily overgrown with vegetation and trees which had caused the boundary fence to the neighbouring property to become damaged and partially collapsed. The rear garden could also be seen from the highway due a side access road. All other properties on the street are well maintained therefore this property is having a detrimental effect on the amenity of the neighbourhood.

Standard letters were sent out requiring works to be completed to improve the condition of the front and rear garden. The vegetation to the front garden was cut back however the rear garden remained the same. On 1st February 2023 a Section

215 Notice was served on the owner which required them to carry out the following works;

- i. Cut down all overgrown vegetation, weeds, and shrubs from the rear garden. Dispose of the resultant materials in an approved manner.
- ii. Reinstate boundary treatment to the side of your property to secure the site by either repairing the current fencing or replacing with close boarded timber fencing no higher than 2 metres.
- iii. Ensure that regular inspections are made to the premises and its surrounding grounds and maintain these on an on-going basis, so as not to cause further detriment to the amenity of the surrounding area.

The Notice came into effect on 8th March 2023 and the owner has until 5th April 2023 to comply. A site visit will be carried out following expiry of this notice to check for compliance.

General Cases

2 Montague Avenue, Conisbrough

The Council were receiving complaints of a vehicle repairs and spray painting business operating at 2 Montague Avenue.

After speaking to the owner and monitoring the site, the Council established that the vehicle repairs and spray painting at the property constituted an unauthorised change of use within the residential area.

The owner was instructed to cease the unauthorised use of the property for car repairs and spray painting otherwise more formal action would be taken. Subsequent monitoring visits have found no unauthorised activity occurring and no further complaints have been received.

Banners and advertisements displayed without consent or permission.

In the Fourth quarter 2022-2023, 14 companies and organisations were identified as displaying banners and advertisements within the borough of Doncaster, without consent. There was 9 banners, 2 'A' boards and 31 signs dealt with. Initial contact was made resulting in 11 companies directly removing their displays within the required time period (2 days). The remaining 3 companies received a verbal warning due to being their first incident and their displays were removed. In this quarter one company received a written warning. City of Doncaster council removed the sign that were still displayed after the 2 day timescale and a Charge was issued to the company for removal of the sign.

Examples of unauthorised advertisements:

North Bridge Road Doncaster

Following a check of the Doncaster area, a company's signage were identified on street furniture. Following direct contact with our Enforcement Officer, the company, agreed to remove all items displayed in Doncaster, without consent or planning permission. A verbal warning was also issued, regarding future occurrences. The following photographs show the advertisements on a piece of Highway barrier fencing at the North Bridge Road, Doncaster.



Before



After

Windmill Avenue Doncaster.

Whilst undertaking duties on district, signage was found, being displayed for a company on adopted highway land against Street Furniture. Contact was made to the company from Bradford, who were requested to remove their signage within 2 days, to which they complied. A verbal warning was given regarding any future occurrences. The following photographs show the advertisements on a piece of City of Doncaster Highway land at Windmill Avenue Doncaster.



Before



After

Brodsworth Way Doncaster

An 'A' board type sign was located on a highway roundabout, for a property maintenance company advertisement sign without planning permission. Following contact, with the company from Doncaster, they removed their signage from the highway roundabout A verbal warning was issued to the company.



Before



After

For Sale/ To-Let Boards

Since April 2021, following complaints of Estate Agents' boards causing a blight in specific parts of the urban/town centre area. An initial project, identified 280 locations, displaying either "for sale/to-let" boards. Whilst it is not an offence to display these boards, all the relevant companies were contacted by the Enforcement Team, to ensure that businesses are aware of the required standards of Class 3(A) of The Town and Country Planning (Control of Advertisements) (England) Regulation 2007.

In the 2nd Quarter of 2022 we received a complaint that boards were an issue, in an area of Balby. We established there were 49 boards being displayed, contact was made with the relevant companies and 17 of those boards were removed.

In this the 4th quarter of 2022 2023, 57 of the boards being monitored in the Urban/ City centre area and Balby area were no longer displayed, either due to their expiry or for being incorrectly displayed (i.e. several boards for the same company displayed on one property). However, there were 51 new displays of "for sale/to-let" boards established.

The Enforcement Team will continue to monitor the 138 boards identified and if required, take the appropriate action, to ensure compliance with the current planning regulations and guidance.

Developer Signs

In this Quarter we have been assisting the highways team in relation to Yellow developer type of signs on Street furniture that were for directions to housing developments. These signs are allowed within the, Town and Country Planning (Control of Advertisements) (England) Regulation 2007 and the highways act with permission and a licence agreement from the highways department. 50 items were identified 35 were found not to have a current agreement. Contact was made to 6 companies and 13 of the signs were removed. City of Doncaster council removed 27 of the signs that did not have permission due to the companies no longer been in business or the sign not being compliant. We will monitor the 10 remaining signs and work with other colleagues in City of Doncaster council to ensure the signs that are been displayed have relevant permissions and are removed when no longer required.

Fieldside, Thorne



Before



After

Quarterly Enforcement Cases.

Quarter 4 (January - March 2023)	
Received Enforcement Cases	132
Total Cases Pending	141
Closed Enforcement Cases	330

Case Breakdown	
Unlawful Advertisements	8
Breach of Conditions	13
Unauthorised Change of Use	32
Unauthorised Works to Listed Building	0
Unauthorised Operational Development	78
Unauthorised Works to Protected Trees	1

Areas Where Breaches Take Place	
Adwick and Carcroft	4
Armthorpe	3
Balby South	4
Bentley	8
Bessacarr	5
Conisbrough	7
Edenthorpe and Kirk Sandall	1
Edlington and Warmsworth	0
Finningley	8
Hatfield	7
Hexthorpe and Balby North	10
Mexborough	2
Norton and Askern	13

Roman Ridge	9
Rossington and Bawtry	10
Sprotbrough	6
Stainforth and Barnby Dun	2
Thorne and Moorends	3
Tickhill and Wadworth	6
Town	17
Wheatley Hills and Intake	7

Formal Enforcement Action	
Notices Issued	4
Prosecutions	1
Injunctions	0

Report Prepared By: Planning Enforcement (Part of the Enforcement Team, Regulation & Enforcement, Economy and Environment).



Report

Date: 30th May 2023

To Members of the Planning Committee

THE MAKING OF AN IMMEDIATE ARTICLE 4 DIRECTION REMOVING PERMITTED DEVELOPMENT RIGHTS RELATED TO THE DEMOLITION OF BUILDINGS AT DONCASTER SHEFFIELD AIRPORT

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Nigel Ball	Finningley	Yes

EXECUTIVE SUMMARY

1. This Report provides an update on the proposal to make an immediate Article 4 Direction which would remove permitted development rights related to the demolition of buildings at Doncaster Sheffield Airport (“DSA”). Following the announcement and subsequent closure of DSA in 2022, City of Doncaster Council (“the Council”) has decided to take steps to explore all legal remedies to find a viable future for the airport. Many avenues have been and continue to be explored, including negotiating directly with the airport owner, attempting to find interested 3rd parties to purchase or be involved in operating the airport, and progressing with the preparatory stages of a compulsory purchase order. Whilst work is ongoing, it is imperative in the short term to ensure the airport is protected and that airport infrastructure, assets and buildings are left in place to ensure the airport can re-open in a timely and cost effective manner. As such, it has been recommended in a report, supported by a justification paper that Councillor Nigel Ball, as Cabinet Member for Public Health, Leisure, Culture and Planning, makes an immediate Article 4 Direction which removes permitted development rights related to the demolition of buildings at DSA within the area shown on the map in Appendix 1. Should the recommendations of the report be agreed, any proposal to demolish a building within this land will require a planning application to be submitted and the proposal to be assessed through the full planning process, which may include being decided by planning committee. Councillor Ball will make the decision on 19th May which post-dates this report, but pre-dates this planning committee. Full Council will be made aware of the decision, and a verbal update will be provided at planning committee on 30th May 2023 on the outcome.

EXEMPT REPORT

2. This report is not exempt.

RECOMMENDATIONS

3. Members of Planning Committee are asked to note the contents of this report.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. The Article 4 Direction is a planning tool available to the Council which can help to preserve the airport by ensuring that any proposals to demolish buildings in the defined area are subject to a planning application and assessment via the full planning process. This therefore opens up the possibility that, when the principle of development is assessed against the development plan and any other material considerations, applications for the demolition of buildings and infrastructure at the airport may be refused. This is a tool that can help to preserve the airport and its operational ability, which is essential given the local and regional desire to see the airport re-open in the future. An international airport brings benefits to the residents of Doncaster. There are direct benefits, such as ease of access to an international airport for foreign or (potentially) domestic air travel. There are also wider economic benefits in terms of Gross Value Added (GVA) generated from jobs and businesses directly or indirectly associated with the airport in both Doncaster, South Yorkshire and the UK. The airport allows for access to and from international markets for trade, businesses and tourism. It can also act as a driver to stimulate growth in higher value economic sectors which are lacking in Doncaster and can drive GVA up as well as stimulating growth in supply chains.
5. An initial consultation on the principle of making an Article 4 Direction was undertaken, which received 271 responses, the majority of which being from members of the public. Of these, 261 (96.3%) were supportive of the actions proposed, with just 4 (1.5%) opposed, and the remainder neutral. The current landowner responded to the consultation, querying the need for a Direction, pointing out the process to be undertaken and noting that it considers some (unidentified) buildings within DSA need to be demolished for health and safety reasons.

BACKGROUND

What is an Article 4 Direction?

6. An Article 4 Direction is a means by which certain development which would otherwise be permitted without needing to apply for planning permission (otherwise known as 'Permitted Development Rights') can be brought back within the full development control regime. By removing specific permitted development rights, a planning application would therefore be required to approve any proposal for demolition at DSA, and any application would be subject to the normal national and local policy considerations and key statutory consultation.
7. An Article 4 Direction is made pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").
8. There are two potential options for making an Article 4 Direction: immediate or non – immediate effect. In this case, the recommendation is that the Council

make an immediate Article 4 Direction, meaning that it takes effect on the date it is served on the owners/occupiers of the land to which it relates, and lasts for up to six months. The Council will carry out further consultation once the Direction is in made, and then make a further decision on whether it should be confirmed within 6 months of the date on which it takes effect, as per the requirements set out in Schedule 3 of the GPDO.

9. For clarity, in the case of a non – immediate Article 4 Direction, the Direction does not take effect until it is confirmed at the end of a representation period following its making.

Why is an Article 4 Direction Required?

10. It is deemed necessary recommend that the Council take immediate action to make an Article 4 Direction in this case as the development (the potential demolition of buildings) would be prejudicial to the proper planning of the area. Based on the information received the Council believes that there is an imminent threat to this.
11. In a letter responding to the initial consultation on a proposed Article 4 Direction (without a decision having been made as to whether it ought to be made on an immediate or non-immediate basis) consultation solicitors acting for DSAL and various companies in the Peel Group made the Council aware, without providing specific details, that *“there are certain buildings within the area which are being inspected and surveyed by Peel and the initial indications are that some may require demolition on health and safety grounds”*. The Council has not previously been made aware of this and has requested further details. A further letter has been received from DSAL/Peel’s solicitors, reasserting this point but not providing the detail requested.
12. The Council is aware of alternative proposals for the site, recently produced by Peel, which do not include an operational airport. Whilst no formal planning application has yet been submitted for these proposals, it is clear that the operator has a desire to redevelop the site for other uses. In 2022 when the operator announced its intentions to close the airport, the Council received counsel’s advice about the prospects of the redevelopment of the site for alternate uses. That advice concluded categorically that any development within the airport operational area which does not include an operational airport would not be supported in policy terms and would be contrary to the development plan.
13. The Council is currently in negotiations with Peel about the prospect of acquiring a leasehold interest in the airport. It is also taking preparatory steps to promote and make a compulsory purchase order, in the event that attempts to acquire an interest in the airport by agreement are unsuccessful. The airport is deemed to be a crucial and irreplaceable piece of infrastructure for the City of Doncaster and the wider City Region. There is strong local political and public support for it to be retained and re-opened.
14. Clearly, any removal or demolition of buildings associated with the airport and its operational functionality affect the ability of the airport to re-open without delay. Demolition is expected to create additional and potentially significant costs to any future owner or operator which could significantly affect the viability

of re-opening the airport. These factors diminish the attractiveness of the airport to potential investors and reduce the perception that the site is itself an airport.

15. The airport brings quantifiable economic and social benefits to the City and wider Region. It is vital to the economic wellbeing of the area. With a new owner and operator in place, the Council believes, contrary to Peel's view, that there is a viable future for Doncaster Sheffield Airport. Were buildings to be demolished, and subsequently the airport not be able to re-open, its potential would not be realised, and the economic and social benefits that it can bring to the area would be lost.
16. It has been recommended that the Council should act immediately to protect the airport and its buildings from demolition. Although the Article 4 Direction would not prevent demolition outright, proposals for such works would need to be assessed through the planning process. The Council believes there is justification for making an immediate Direction, and further that the timescales associated with making a non-immediate Direction risk allowing buildings to be demolished in the intervening period between the making and confirmation of a Direction. As demolition of buildings is a permitted development right, without an Article 4 Direction in place the Council as local planning authority would be unable to prevent the principle of demolition of airport buildings. An Article 4 Direction allows greater scrutiny through the planning application process of what is being proposed and its potential impact.






What does this mean for planning committee?




17. Given the intense public interest in matters at DSA, it is highly likely that should a planning application be submitted which affects the airport or its operation, it would be ultimately decided by planning committee.
18. Should the Article 4 Direction be made, any proposals to demolish buildings, or proposals for alternate development which would result in the demolition of buildings at the airport (in the boundary defined in Appendix 1 to this report), will require planning permission. Under the GPDO, the oversight the Council has on applications for demolition are limited to the method of demolition and restoration. Should the Article 4 Direction be made, the oversight the Council, and consequently, planning committee has is vastly increased. Should an application come before planning committee which includes demolition of buildings at the airport, committee could elect to refuse it as this may, for example, be contrary to Policy 6 of the Local Plan (Doncaster Sheffield Airport), and its aims. Alternatively, committee could decide to approve an application involving demolition. Such matters cannot currently be considered for demolitions, due to the terms set out in the GPDO for matters related to the demolition of buildings. Crucially, if the Article 4 Direction is made, the Local Planning Authority and Planning Committee have greater oversight and increased scope to act on applications which include demolition at DSA.
19. It is important to note that these powers only apply to the demolition of buildings in the area edged in red in Appendix 1. Applications outside of this boundary must still be decided in accordance with the Local Plan and relevant local and national policy considerations, as would applications within the boundary that do not result in the demolition of buildings. Buildings within the boundary include the control tower, fire station, hangars, cargo and transit sheds,

navigational aids, the terminal and also the runway.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

20. The immediate Article 4 Direction is considered to impact on Doncaster Council's Great 8 priorities in the following ways:

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Negative overall - Trade-offs to consider	Neutral or No implications
 Tackling Climate Change			✓	
<p>Comments: Airports are a significant contributor to global carbon emissions with a negative overall impact on climate change. However, the reopening of DSA, which the Article 4 Direction ultimately will help support, and development of the surrounding area will result in significant job creation and associated economic opportunities. The emerging SYAC vision has a focus on the development of low carbon aviation and the drive to Jet Zero.</p>				
 Developing the skills to thrive in life and in work	✓			
<p>Comments: Reopening DSA and delivering the associated economic development opportunities would support our plans to improve skills levels and continue the trajectory of upskilling residents of Doncaster. The Article 4 Direction can help maintain the airport with a view to re-opening and taking advantage of these opportunities.</p>				
 Making Doncaster the best place to do business and create good jobs	✓			
<p>Comments: The presence of a successful international airport coupled with Doncaster's city status and existing economic assets will be a significant benefit in attracting new inward investment opportunities and foreign direct investment. The Article 4 Direction can help maintain the airport with a view to re-opening and realising its economic potential for the City.</p>				
 Building opportunities for healthier, happier and longer lives for all	✓			
<p>Comments: The presence of successful international airport will provide significant opportunities for Doncaster and the wider regions communities to access jobs and prosperity – thereby improving wider health and well-being of the area</p>				
 Creating safer, stronger,				✓

greener and cleaner communities where everyone belongs				
Comments: no direct impact				
 Nurturing a child and family-friendly borough				✓
Comments: no direct impact				
 Building Transport and digital connections fit for the future	✓			
Comments: although aviation has to adapt to greener practices, their role in delivering access to and from international markets is recognised and will continue to be important in the future. The preservation of the airport which the Article 4 Direction supports ensures that Doncaster continues to have the ability to forge direct international connections in the future.				
 Promoting the borough and its cultural, sporting, and heritage opportunities	✓			
Comments: Since the 1940's Doncaster has had a strong aviation presence. Retaining the aviation operation at DSA continues this rich heritage link to Doncaster and provides international access to local and regional cultural and sporting opportunities.				
Fair & Inclusive	✓			
Comments: DSA and the supply chain opportunities associated with South Yorkshire Airport City will provide wide ranging workforce opportunities that will be particularly valuable as we seek to grow a fair and inclusive economy.				

RISKS AND ASSUMPTIONS

21. The making of an immediate Article 4 Direction is permitted under Schedule 3 of the GPDO. The NPPF states that Article 4 Directions should be limited to situations where it is necessary to protect local amenity or the well-being of an area, be based on robust evidence and apply to the smallest geographical area possible. A further test is applied when making an immediate Article 4 Direction that the development presents an immediate threat to the local amenity or prejudices the proper planning of an area.

LEGAL IMPLICATIONS [SC 5.5.23]

22. An Article 4 Direction may be made with immediate effect under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“GPDO”) by the Local Planning Authority (“LPA”) to restrict certain permitted development rights where they consider the rights in question are prejudicial to the proper planning of the area or constitute a threat to local amenity. The decision maker should be satisfied that it is expedient in the circumstances to make the direction, and regard must be had to the accompanying justification paper in appendix 2. Where this immediate process is used, the Article 4 direction takes effect on the date the notice is served on occupiers or owners of the affected land and is in force for an initial period of up to 6 months.

Schedule 3 of the GPDO sets out the procedure which must be followed when an immediate Article 4 Direction is made. Accordingly, once the direction is made the LPA must give notice by local advertisement, by site display and by serving the notice on the owner and occupier of every part of the land to which the direction relates. A minimum 21 day period for representations must be specified when notice of the direction is given and the LPA must take representations into account when deciding whether or not to confirm the direction before the end of the six month period. If the direction is not confirmed by this date, it will expire and have no further effect.

National Planning Policy Guidance (“NPPG”) states that where an immediate direction is made: *“in all cases the local planning authority must have already begun the consultation processes towards the making of a non-immediate article 4 direction”*. An initial consultation on proposals for the making of a direction was carried out between 5th-26th April, and the consultation responses have been taken into account when making the recommendation in this report.

There are very limited grounds available to interested parties affected by an immediate direction, if made, to claim compensation under sections 107-108 of the Town and Country Planning Act 1990 as amended (“TCPA”). The TCPA restricts those grounds to circumstances in which planning permission has been refused for development which but for the Direction would have been permitted, or planning permission is granted subject to more onerous conditions than those imposed by the GDPO, and abortive expenditure has been incurred as a result of the removal of the permitted development rights or other losses or damage which have been sustained and which are directly attributable to the removal of those rights. Claims must be made within 12 months beginning with the date the direction comes into force.

There is no right of appeal against the decision of an LPA to make an Article 4 Direction but that decision can be subject to challenge by way of judicial review, in line with usual public law considerations.

A separate decision making process will be required should the LPA decide to confirm the order within the six month period.

FINANCIAL IMPLICATIONS [MS 05/05/2023]

23. The full justification and rationale document describes some financial benefits

that can be brought about by the making of the Article 4 Direction, if the site is to be used as an airport in the future. In particular, it provides comparative costs of rebuilding the airport if it were to be demolished compared with the costs of upgrading the current buildings if demolition is prevented.

The known financial implications to the Council of making a Direction are limited to advertisement costs and internal resources to undertake the statutory notification and consultation procedure. However, there are limited grounds available to interested parties affected by an immediate direction, if made, to claim compensation under sections 107-108 of the Town and Country Planning Act 1990. Legal advice received suggests that the compensation is limited to circumstances whereby planning permission has either been refused for development that would be allowed under permitted development rights, or has been granted subject to conditions that are more onerous than those in the GDPO AND abortive costs or other loss or damage that can be directly attributed to the withdrawal of the Permitted Development rights can be demonstrated. E.g. if a contractor has been engaged to demolish certain buildings before the Direction takes effect and the contract requires abortive costs to be paid if the work does not go ahead. It is not expected to extend to any loss incurred as a result of having to run, repair or maintain the buildings for longer than expected as a result of any decision to not permit demolition on the site. Any claims must be made within 12 months beginning with the date the direction comes into force.

On 12 April 2023 Cabinet noted a request to South Yorkshire Mayoral Combined Authority (SYMCA) for £6.25m of grant and approved an alternative funding plan should the SYMCA bid be unsuccessful. Any compensation costs could be met from the grant or alternative funding plan in the first instance and if they can't be contained within that additional funding will need to be identified.

HUMAN RESOURCES IMPLICATIONS [DK DATE: 04/05/2023]

24. There are no direct HR Imps in relation to this EDR, but if in future staff are affected or additional specialist resources are required then further consultation will need to take place with HR.

TECHNOLOGY IMPLICATIONS [PW 03/05/23]

25. There are no technology implications in relation to this report.

HEALTH IMPLICATIONS [CH 05/05/23]

26. There are no health implications in relation to this report.

EQUALITY IMPLICATIONS [CH 05/05/23]

27. There are no equality implications in relation to this report.

CONSULTATION

28. A comprehensive public consultation was undertaken about the potential making of an Article 4 Direction. It is evident from the 271 responses that 96% consultees are in favour of the action / recommendations.

BACKGROUND PAPERS

29. A full justification paper setting out the reasons for the recommended immediate Article 4 Direction can be view here:

[ISSUE DETAILS - ARTICLE 4 DIRECTION REMOVING PERMITTED DEVELOPMENT RIGHTS LINKED TO THE DEMOLITION OF BUILDINGS AT DONCASTER SHEFFIELD AIRPORT. - MODERN COUNCIL \(MODERNGOV.CO.UK\)](https://www.modern.gov.uk/moderngov/2018/07/26/issue-details-article-4-direction-removing-permitted-development-rights-linked-to-the-demolition-of-buildings-at-doncaster-sheffield-airport.-modern-council)

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

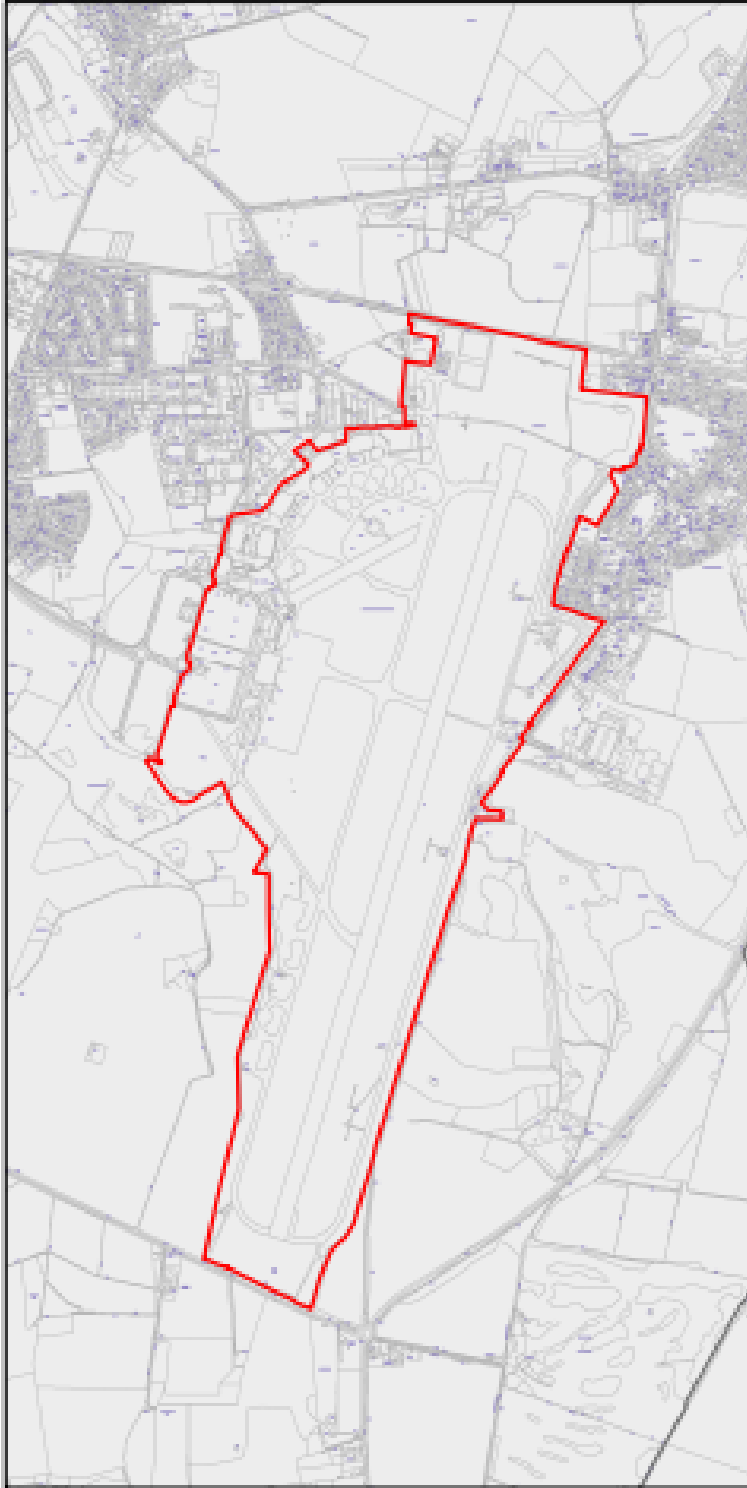
None

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Appendix 1 – Order Map



Key :

	Airport Article 4 Boundary
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Title : Airport Article 4 Boundary

Completed By :
JH/AR/000

Reference :
Airport Boundary March 23

Date :
07/06/2023

Scale :
1:20,000

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